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WILL THE OLYMPICS SURVIVE GREECE?
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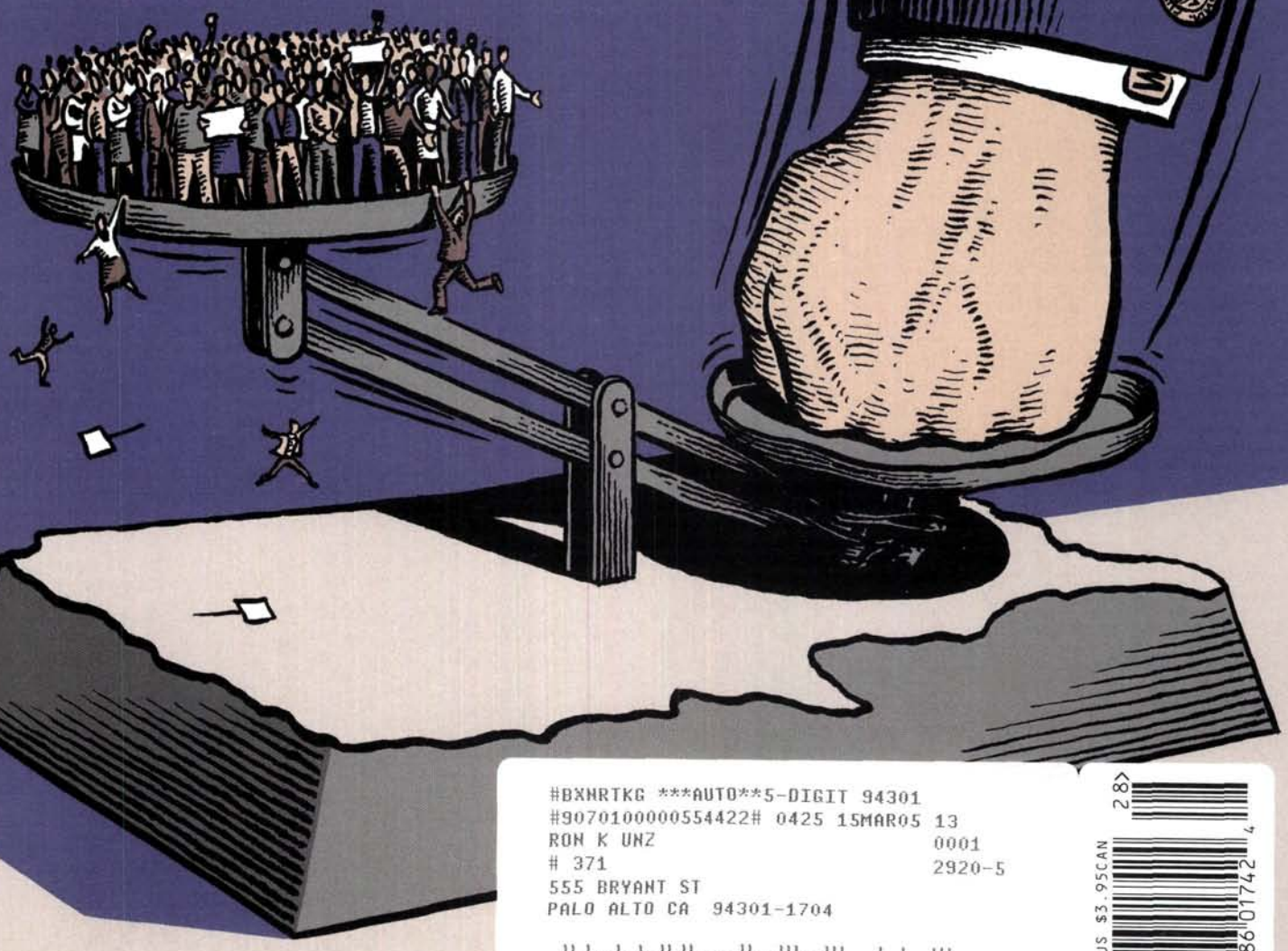
THE NEW REPUBLIC

THE CASE AGAINST GEORGE W. BUSH: PART II

(Less) Democracy in America

JONATHAN CHAIT



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THE NEW REPUBLIC
A JOURNAL OF POLITICS AND THE ARTS

JULY 26, 2004 WASHINGTON, D.C. ISSUE 4,671 VOLUME 231

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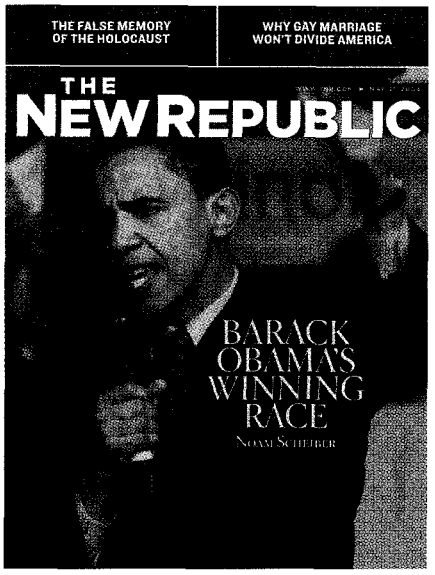
CORRESPONDENCE

ONCE UPON A TIME

RUTH FRANKLIN MISREPRESENTS the artistic writings of children of Holocaust survivors and trivializes the entire experience of having parents who so narrowly escaped genocide ("Identity Theft," May 31). Indeed, the authors Franklin denigrates have in common not only their artistic response to their legacy—varied and idiosyncratic as it is—but also the absurd, fortuitous miracle that their parents survived the Holocaust when most everyone else of European Jewish heritage did not. That, in itself, distinguishes them as members of an exclusive club, entitled to a special voice when it comes to interpreting the post-Holocaust experience. Not Auschwitz, but its aftermath, is their domain. Their life lessons became the very special knowledge that life itself—and everything associated with it—can rapidly and mercilessly disappear. The fact is, children of Holocaust survivors are not the same as children of alcoholics or abuse. The comparison is insulting and stupid. Had the Nazis succeeded, these writers would never have been born. If the Holocaust was indeed unique, which almost everyone recognizes it was, then the offspring of its survivors must have experienced something that was unique as well. And that singularity can give rise to art—sometimes great, sometimes mediocre—but legitimate art nonetheless. There is no "theft" in such inevitability of creation. All artists have been inspired by the households in which they were raised. The identity that belongs to children of Holocaust survivors—the very basis for their common experience—has not be stolen. It is theirs alone.

Franklin attacks one writer in particular, attributing his style and motivations to those of every other writer of the second generation. I, too, was lumped into this rebuke based on a single short story that she misrepresented. Obviously, however, Franklin had not read my stories, novels, and essays—nor was she apparently aware of the public positions I have taken on Holocaust art and memory—before writing her essay. It is simply untrue that I have elevated my own personal suffering (which I have never professed anyway) beyond


THE FALSE MEMORY OF THE HOLOCAUST
WHY GAY MARRIAGE WON'T DIVIDE AMERICA
THE NEW REPUBLIC
BARACK OBAMA'S WINNING RACE
NOAM SCHEIBER

that of my parents or of any other survivor. Moreover, Franklin's essay disingenuously discounts whether the second generation even exists. She mockingly questions whether there is any research or literature to authenticate the claim. Yet, many highly credentialed psychologists have written widely on the subject. So, too, have literary critics. There are over 100 doctoral dissertations testifying to the very phenomenon that Franklin so imperiously and casually dismisses. To dispute the literary merits of the second generation is legitimate, but to deny its existence or to question its source material is to become a strange stepchild of Holocaust denial. The art created by the second generation is not based on trauma or even testimony, but rather is a genuine expression of mourning—the deep, unfulfilled longing to comprehend the unknowable and to repair what can't be fixed. In the absence of graves, these children have produced an entirely different kind of grieving ground. Nobody would want what it is that Franklin has accused us of taking away.

THANE ROSENBAUM
New York, New York

LIFE AFTER

RUTH FRANKLIN POINTS OUT THE regrettable tendency of some in the second generation to "elevate their own childhood traumas above and even beyond the sufferings of their parents." This should not, however, obscure the fact that being born into a survivor family comes with heavy psychological demands. I grew up in this milieu. As a child, it was almost impossible to escape exposure, impact, and, yes, some trauma, no matter how much my family tried to shield me from the horrors of the recent past. The same was true for my second-generation friends. The inner, inextinguishable pain of parents and other loved ones who survived the war couldn't be hidden from those born after.

The notion that evil people sought to inflict suffering on one's parents evoked very strong feelings. Some parents had nightmares and woke up the children with their terrified screams. Some children knew the names of murdered relatives. Many families were dispersed among several countries, with huge gaping holes of murdered grandparents, siblings, aunts, uncles, and cousins. There were endless debates about whether it was permissible to speak German after the war. German-made products were boycotted. The existence of God was constantly called into question. Almost every country in Europe was seen through the prism of its wartime behavior. Many were judged wanting and, therefore, untrustworthy, off-limits, and

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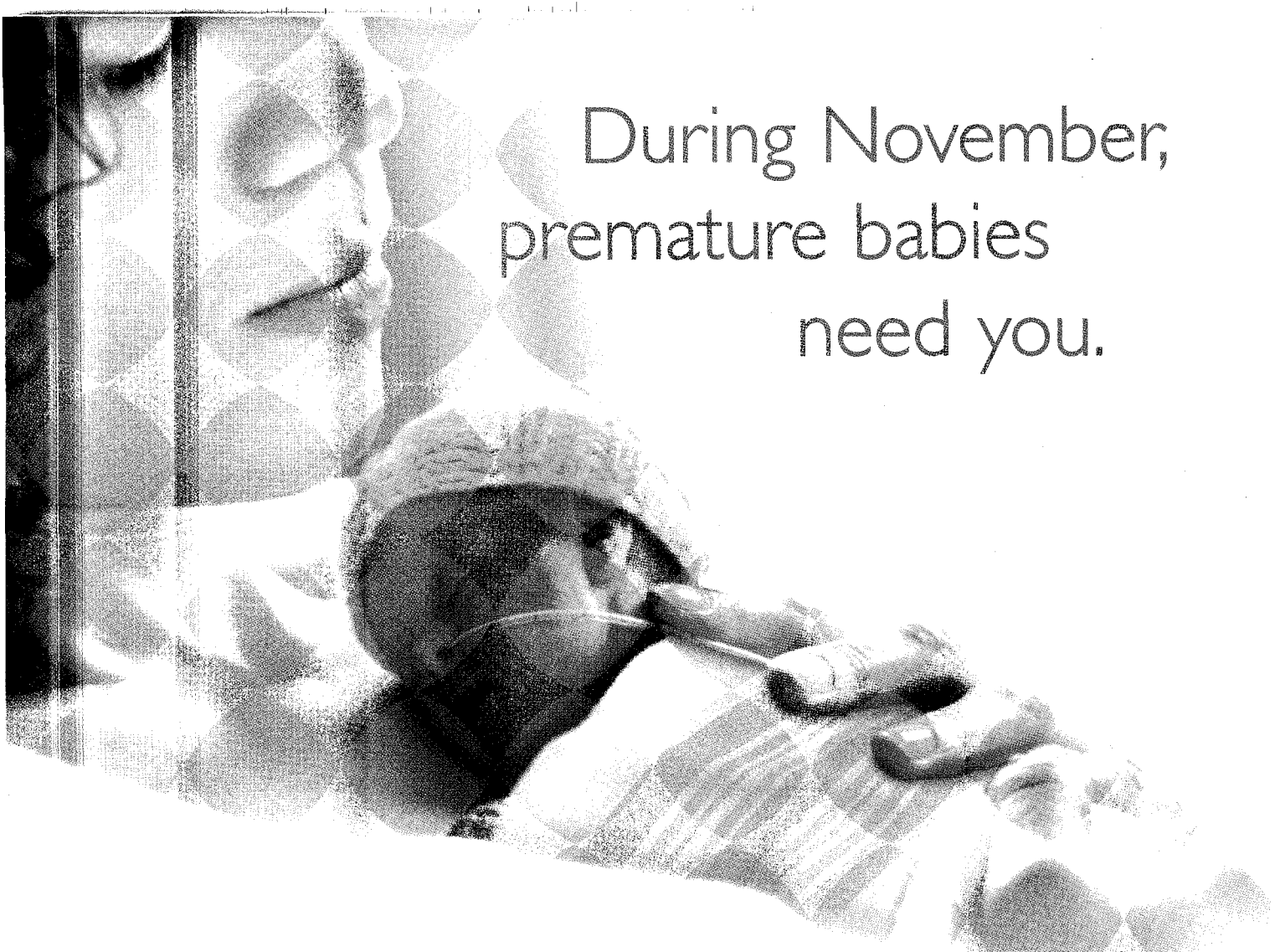

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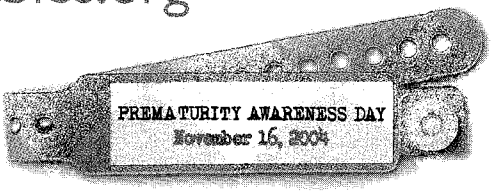

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Basic Instinct

TRB FROM WASHINGTON

THE CHOICE OF JOHN Edwards says many good things about John Kerry. And one worrying thing: He thinks he has the national security issue well in hand. In mid-June, *The Washington Post* reported that Kerry had told friends he needed a running mate who would help him overcome his image as a Massachusetts liberal, but not one who added foreign policy heft. On foreign policy, the friends claimed, Kerry believed he could handle things on his own.

Those friends were right. Ever since Edwards joined the ticket, the Kerry campaign has been focusing on "values," which Kerry last weekend called "the heart of our campaign." Edwards, of course, talks masterfully about values, as he does about the economic struggles of the middle class. And Democratic strategists are giddy that he will appeal to the rural and Southern voters Kerry couldn't reach on his own.

As for foreign policy, Kerry is—as predicted—handling it largely on his own. Last week, campaign aides acknowledged, in the *Post*'s words, that "Kerry will be the one to carry the national security message." When *Newsweek* asked Edwards a question about nuclear proliferation in a joint interview, Kerry jumped in with a quick, "Do you mind?" and answered it himself.

No one should be surprised by Kerry's behavior. He's never been a Clintonesque economic policy wonk or a Lieberman-style values maven. Foreign policy is what he prides himself on. He spent part of his youth abroad. He's served on the Foreign Relations Committee since entering the Senate. International affairs is the subject of his most significant book. And his route into politics was the Vietnam War.

But it's precisely because Kerry feels so confident about his foreign policy credentials that he may overestimate the degree to which that confidence is shared by the public. No matter what he has told friends, Kerry *doesn't* have the foreign policy issue well in hand. It's true that Bush's edge on national security has narrowed in recent months—from a 21-point lead in April to a virtual tie on June 20, according to the *Post*. But the gap hasn't closed because Kerry has won America's trust on issues of war and peace; it has closed because Bush has lost it. During that same period, Bush's approval rating on the war on terrorism plummeted from 63 to 50 percent, as mounting casualties turned the public against the war in Iraq.

But, if U.S. casualties decline (as they may well, if American troops stick closer to their bases) and the news from Iraq improves (or just falls off the front page), Bush's national security numbers will rise, and so will his lead over Kerry. Indeed, this week a new *Post* poll shows Bush's war on terrorism rating creeping back up to 55 percent and the president reopening a nine-point lead on the issue. Kerry's apparent success on national security is akin to his apparent success on economic issues earlier this year. Voters weren't responding to his message, they were responding to the bad economy. Once jobs began coming back, Kerry's advantage declined.

Bush could certainly lose the election on national security, but Kerry can't win it unless he crosses one critical threshold: He has to convince voters he's tough enough to protect America from terrorism. According to a June *Investor's Business Daily* poll, only 41 percent of Americans believe Kerry is "comfortable projecting America's power abroad," compared with 72 percent for Bush. At some crucial moment in the campaign, Kerry will face the post–September 11 equivalent of that famous question Michael Dukakis flubbed about opposing the death penalty if someone raped and murdered his wife. Terrorism is today what crime was then—the litmus test for Democratic toughness. And there is reason to worry that, given Kerry's deep-seated foreign policy instincts, he won't get the answer right.

Intellectually, Kerry knows he must show he'd go after the terrorists with a vengeance. But that's not where his heart lies. The topic that arouses his greatest passion—the one that has guided his entire career—is improving America's relations with the world. Kerry's 1997 book, *The New War*, about international crime, urges "an entirely new, multilateral code of behavior." At the 1993 confirmation hearings for Secretary of State nominee Warren Christopher, Kerry called for "an all-out effort to strengthen international institutions." In 1995, Kerry split with many Senate Democrats and voted against lifting the Bosnian arms embargo, in large part because doing so would have risked a split with Europe. According to the *Post*, when Bill Clinton called America the "indispensable nation" in his second inaugural address, Kerry decried Clinton's "arrogant, obnoxious tone." Even the 1991 Gulf war, which Kerry's aides now cite as a model of multilateral cooperation, struck him as suspiciously unilateral at the time. The coalition arrayed against Saddam Hussein, Kerry argued, "lacks a true United Nations collective security effort, with the full measure of international cooperation and burden-sharing."

This year, Kerry has sounded the same themes, at times subtly undermining his claim to care about defeating the terrorists above all else. At a debate in Wisconsin in February, Kerry said, "The worst thing this president does is his lack of cooperation with other countries." When he gave a much-hyped series of foreign policy speeches in May and June, he devoted the first to restoring America's alliances and only the second to preventing a nuclear, chemical, or biological attack. Kerry no longer consistently bashes the president for failing to send U.S. troops to capture Osama bin Laden at the end of the Afghan war—a useful way of signaling how aggressively he'd wage the war on terrorism. And, for the last night of the Democratic convention, the Kerry campaign has chosen the theme: "Stronger at home, respected in the world."

Kerry is right that anti-Americanism constitutes a major problem, a problem the Bush administration barely acknowledges. And he's right that rebuilding foreign ties is part of keeping America safe. But voters already know a Democratic president would improve relations with the world. What they don't know is whether he would *defy* the world, if necessary, to strike a blow against terrorism. On that crucial question, John Kerry still hasn't won the public trust. And neither George W. Bush nor John Edwards will do it for him.

PETER BEINART

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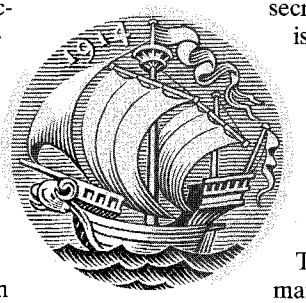
Secrets and Lies

THE SENATE INTELLIGENCE Committee's report on prewar U.S. intelligence about Iraq makes for enthralling reading. But almost as interesting are the vast sections we can't read. About 15 percent of the report is bathed in black ink, redacted because the CIA deemed the information classified. But those redactions are highly suspect. First, the CIA tried to black out about half of the report. Then, after protests from Congress, the Agency yielded, to no demonstrable harm. Second, many of the heavily redacted sections deal with the most politically sensitive topics, such as whether intelligence analysts were pressured by administration officials, and the story behind President Bush's claim that Saddam Hussein sought uranium from Africa.

We don't often agree with Trent Lott, but the defrocked Senate majority leader was correct last week when he declared these redactions "totally ridiculous, uncalled for, and counterproductive." Now Lott, along with Democratic Senator Ron Wyden, is working to create a new federal commission to govern classified material. We second the notion. As the late Senator Daniel Patrick Moynihan often argued, our government's system of handing classified material is ad hoc, loosely scrutinized, and prone to abuse. And, since September 11, the problem has gotten far worse. As America hunts for terrorists and weapons of mass destruction, intelligence secrets have become vastly more important to our national political and policy debates. But, at the same time, the Bush administration has shamelessly manipulated classified information for political ends.

Consider the litany of politicized Bush administration classifications. In October 2002, the CIA released a National Intelligence Estimate starkly warning of Saddam's ongoing nuclear programs; later, it emerged that the CIA had redacted a slew of key caveats, including one State Department analyst's doubt of any "compelling case that Iraq is currently pursuing ... an integrated and comprehensive approach to acquire nuclear weapons." The investigation into the September 11 attacks has been similarly stunted. Before the House and Senate Intelligence Committees released their joint report last summer, they haggled for six months with the Bush administration over what portions could be made public. The White House ultimately insisted on blacking out a 28-page section dealing with the critical question of Saudi Arabia's role. At the time, Senate Intelligence Committee Chairman Richard Shelby estimated that "ninety to ninety-five percent" of what the administration shielded from view posed no threat to national security or intelligence sources, the only legitimate grounds for redaction.



The independent 9/11 Commission has had similarly exasperating struggles, including the long tug-of-war over whether to declassify the famous Presidential Daily Brief that, on August 6, 2001, warned of Al Qaeda's intentions to attack on U.S. soil. With the Commission's report due later this summer, those fights are far from over: Commissioner Tim Roemer recently told THE NEW REPUBLIC that the question of how much of his panel's report will ultimately see daylight is shaping up to be "one of the battles of Armageddon."

Almost as galling as this politically motivated secrecy is the way the administration has *released* classified material to score political points. During this spring's Commission hearings, Attorney General John Ashcroft tried to undermine Democratic Commissioner Jamie Gorelick by releasing secret memos she wrote as a Justice Department official in the 1990s. Around the same time, Condoleezza Rice quoted from a classified national security memo in an effort to discredit former counterterrorism czar Richard Clarke. And, each time Bob Woodward has come calling for his insider accounts, he's walked away with armloads of secret documents that cast the president in a heroic light.

For such political whims to infect the classification process is a travesty. We urgently need a new way of handling classified material, one that shifts the burden for classification away from transparency-seekers and onto secret-hoarders. A good start is the Lott-Wyden proposal to create an independent panel of intelligence experts to review declassification requests. This panel would send its recommendations to the White House. The White House would maintain final authority over declassification decisions, but an impartial arbiter would put more pressure on the president to justify secrecy.

In the debates over Iraq and September 11, it is now clear that the classification system has been abused—and, partly as a result, the public has been denied the ability to make informed judgments about war and peace. We can't let that happen again. ■

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NOTEBOOK

THE HOUSE SHORT-CHANGES DEMOCRACY ABROAD . . . AND AT HOME

DEMOCRACY LATER

WITH AMERICANS FIGHTING AND dying for democracy in the Middle East, there's never been a more urgent need for a well-funded National Endowment for Democracy (NED), which supports democratic movements around the globe—including in Iraq and Afghanistan. Until recently, Congress—especially congressional Democrats—seemed to understand this. John Kerry says on the stump that "winning the war of ideas" is crucial to defeating terrorism, and House Minority Leader Nancy Pelosi, who rose to prominence with her support for Chinese democracy movements, told a conference in April 2003, "We must address the real source of so much instability across the Middle East—the lack of freedom, prosperity, and human rights, including women's rights." Last fall, both the House and Senate overwhelmingly passed a resolution hailing the NED "for its major contributions to the strengthening of democracy around the world" and vowing "to continue to support [its] vital work." And, in his last State of the Union address, George W. Bush pledged to double the NED's $40 million budget.

But, in the House budget process this spring, appropriators agreed to give the NED a mere $11 million budget increase. Then, in a stunningly foolish vote last week, the House negated even that. By more than a two-to-one margin, the House agreed to siphon $10 million from the NED and put the money toward a somewhat less world-historical purpose: small-business loans. And, while the amendment was sponsored by the GOP's Small Business Committee chairman, Illinois Representative Donald Manzullo, far more Democrats (193) than Republicans (87) supported the measure. While several senior Republicans rose to defend the NED, which has a history of bipartisan support, no Democratic leader bothered. In fact, Pelosi hailed the move as "part of our Democratic initiative to help small business." But at least no Democrat sounded as moronic as Michigan Republican Thaddeus McCotter, who urged his colleagues to "remember that democracy begins at home. . . . The continued support of small business, the perpetuation of their entrepreneurial dreams, is the seed of democracy, which we are endeavoring to sow throughout the world. Let us not forget them and turn our backs today." Alas, it seems we've already begun to turn our backs on the world.

Donald Manzullo

OUT OF (GUN) CONTROL

IN 1999, PRESIDENTIAL CANDIDATE George W. Bush promised to uphold the national ban on the sale of assault weapons President Clinton had signed into law five years earlier. "It makes no sense for assault weapons to be around our society," Bush said at the time. Now, Bush has apparently decided assault weapons aren't so bad after all. The 1994 ban is set to expire in mid-September, and the administration hasn't lifted a finger to push for its extension.

To be sure, even gun-control proponents admit the law—which barred U.S. manufacturers from making or selling 19 types of semi-automatic weapons and clips capable of holding more than ten rounds—had problems. Gun makers could skirt the ban with a few cosmetic modifications. Still, the Brady Center to Prevent Gun Violence says crimes involving the prohibited assault weapons dropped 66 percent after the law was enacted.

House Majority Leader Tom DeLay told reporters that the president didn't even ask Congress for an extension, because he knew that "the votes [were] not there." But one wonders if the votes might not have magically appeared had the White House—which cynically still claims to favor the extension—decided that keeping the president's campaign pledge was a real priority. As Representative Carolyn McCarthy, a New York Democrat whose husband was killed by a gunman in a 1993 shooting spree on the Long Island Rail Road, told *The Boston Globe*: "Every bill [Bush] wants has gotten to this desk." An extension of the assault-weapons ban, sadly, won't be one of them.

THIS ISN'T IN ROBERT'S RULES

AS JONATHAN CHAIT POINTS OUT this week ("Power from the People," page 15), last November, House Republicans held open the vote on their prescription-drug bill for almost three hours until enough arms could be twisted to guarantee its passage, an act Norman Ornstein, a congressional expert at the American Enterprise Institute, calls "the ugliest and most outrageous breach of standards in the modern history of the House." Now, the House Republicans seem to be

DAVID COWLES

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making a habit of such tactics.

On July 8, they held open another vote—this time on a bipartisan amendment that would have scaled back part of the USA Patriot Act, making it harder for the government to obtain records from libraries and bookstores—for 23 minutes beyond the customary 15-minute roll call. The delay allowed the GOP leadership to cajole eight Republicans and one Democrat to switch their votes, leading to the amendment's defeat in a 210-210 tie. House Dems erupted in chants of "shame" and "democracy now"—they even clucked and shouted "chicken" at Republicans who switched sides—but to no avail. When it came time to adjourn, Democrat Jerrold Nadler of New York offered the motion: "This House should adjourn in shame." But Nadler's motion was defeated, too. And for good reason—by now, it's obvious the House Republicans have no shame.

CONSIDER THE SOURCE

IN AN ARTICLE ABOUT THE INFLUENCE of Michael Moore on the Democratic Party ("Crashing the Party," July 19), Jason Zengerle noted that the filmmaker had recently boasted to *Time* about his warm post-movie reception from Senate Minority Leader Tom Daschle, despite Moore's merciless lampooning of the senator in *Fahrenheit 9/11*. After attending a screening of the film, Moore told *Time*, Daschle "gave me a hug and said he felt bad and that we were all gonna fight [Bush] from now on. I thanked him for being a good sport."

But it turns out Moore and Daschle aren't so close—or at least not close enough to have hugged. "I know we senators all tend to look alike," Daschle told reporters. "But I arrived late to the film and had to leave early for Senate votes. I didn't meet Mr. Moore." Maybe this episode will shake the faith of Daschle and his fellow Democrats in Moore's other stories. ■

TNR.commentary

Campaign Journal

RYAN LIZZA

EDWARDS BESTS CHENEY: *Time* has a new poll out this week confirming that John Edwards is an asset to John Kerry while Dick Cheney is a liability to George W. Bush.

Edwards's "favorability" rating among registered voters is a healthy 39 percent, while just 12 percent view him unfavorably. Cheney's favorable rating is 41 percent, but his unfavorable rating is up to 40 percent. Worse, Cheney's job approval rating is a dismal 41 percent, while 47 percent disapprove of the job Cheney's doing. That, of course, is the number to watch. If voters think you are doing a bad job, your experience is a liability. Indeed, the poll reaches this stunning conclusion: Asked, "Which vice presidential candidate do you think would make a better president?" voters picked Edwards over Cheney 47 percent to 38 percent. So much for the theory that Cheney's decades of Beltway gigs provide a good contrast to Edwards's single term in the Senate.

Oh yeah, the poll also reports Bush can't break 45 percent among registered voters in either a two-way race with Kerry (Kerry: 48 percent; Bush: 43 percent) or a three-way race with Kerry and Nader (Kerry: 47 percent; Bush: 44 percent; Nader: 4 percent). This is still Kerry's race to lose.

IRAQ'D

SPENCER ACKERMAN

PAT ROBERTS, HUMANITARIAN? Here's the big question looming over Senators Pat Roberts and Jay Rockefeller's press conference about the Senate report on prewar Iraq intelligence: Given what Congress now knows about how weak the WMD and Al Qaeda–connection arguments for war are, would lawmakers still have voted to authorize the invasion? Roberts gave an intriguing answer:

> As far as my vote in regards to authorize of war [sic] ... I think it would have been based more on something like Kosovo or Bosnia. ... I stood on a hill in a place called Hilla in Iraq, where there was a grave site that contained eighteen thousand bodies that were being unearthed one by one. And it was a very, very tragic moment. It made me think about man's inhumanity to man. ... It would have been on a comparison to, say, Bosnia and Kosovo. But, yes, I think I would have voted that way.

Really? Pat Roberts voted against the Kosovo war. Maybe his visit to Hilla changed his view of humanitarian intervention, but I haven't seen him militate for action in Haiti or Darfur. And, at a recent lecture at Kansas State University, Roberts struck decidedly realist tones: "We need to restrain what are growing U.S. messianic instincts—a sort of global social engineering where the United States feels it is both entitled and obligated to promote democracy—by force if necessary." That doesn't make the Kansas senator sound too congenial to wars predicated on human rights.

&c.

NOAM SCHEIBER

DOWN ON THE FARM: According to the *Los Angeles Times*:

> [T]he proposition [that Edwards will help Kerry attract rural voters] remains unproven, especially in the Midwest, where the rural vote could prove most important. During the Democratic primaries, Edwards ran well in rural Missouri. But in Ohio and Wisconsin, he ran no better in the 15 most rural counties than he did in those states overall. And Republicans insist that his liberal record on social issues will create the same problems with culturally conservative voters that Kerry faces.

But this analysis ignores the dynamics of the primary season. Edwards did well among rural voters in Missouri (and Oklahoma, which he nearly won, and Iowa, which he'd probably have won if the caucuses had been held three days later) because the nomination was still up for grabs. It was only after Kerry's five wins on February 3—the first multi-contest primary date—gave him nearly unstoppable momentum that the race was effectively over. Since Wisconsin and Ohio held their primaries later, they are hardly reliable indicators of Edwards's electoral appeal.

Fine, you say. But shouldn't Edwards still have done better among rural voters relative to his overall performance in these states? Um, no. Rural voters tend to be among the least informed voters in Democratic primaries. That means Kerry's momentum coming out of February 3 was a disproportionately important factor in attracting their votes. After all, if you know very little about any of the candidates except that one of them has been winning, it's no surprise that you'd vote for that candidate. Which is to say, the only useful empirical evidence we have on Edwards's ability to attract rural votes indicates he's good at it. The rest of the evidence is just noise.

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Campaign Journal

Havana John

BY RYAN LIZZA

THE HOUSE OF Representatives is such a reliable rubber stamp for George W. Bush that it's remarkable anytime the body votes against the president's wishes. It's even more remarkable when the House thwarts one of Bush's few election-year legislative priorities. But that's exactly what happened last week. It was lost in the hoopla surrounding John Edwards's selection the previous day, but, on July 7, 46 Republicans joined 174 Democrats to block parts of the Bush administration's new Cuba policy. That policy, which went into effect last month, includes new regulations severely limiting remittances of money and goods that Cuban-Americans can send to family members on the island, as well as a new rule scaling back family visits from one per year to one every three years. The House vote overturned the draconian remittance policy, which bans Americans from sending gift parcels that include anything from clothing to fishhooks to shampoo to seeds, and which has angered a significant sliver of the Cuban-American population. And the debate on the House floor featured the rare spectacle of conservative Republicans ripping into each other. Intemperate comparisons to the Holocaust were made. Members were accused of being anti-family. Speaking angrily for the losing side, Lincoln Diaz-Balart, the hard-line Cuban-American congressman from South Florida, complained that the amendment "seeks to undermine an entire policy that President Bush has just implemented."

It's not the first time the House (or even the GOP) has split on Cuba policy. The 42-year-old U.S. embargo and the regular attempts to tighten or loosen restrictions on trade and travel to the island frequently pit free-trade conservatives and liberal Democrats against hard-line, anti-Castro Republicans. But, for the first time in the history of Cuban-American politics, the cleavage that has long existed in Washington is now mirrored in the Cuban-American community itself. Recent polls, including one released two days after the House vote, show that Bush's support among Cuban-Americans, a Florida demographic essential to his reelection and one he won overwhelmingly in 2000, is bleeding because of his new policies. Bush captured 82 percent of the Cuban-American vote in 2000, but the poll showed that his support is down to 66 percent, a drop equivalent to about 60,000 Florida votes. Given that he won the state by 537 votes, the drop provides a significant opening for John Kerry. The question now is whether the Massachusetts senator can seize it.

For years, analysts have predicted that second-generation Cuban-Americans and recent arrivals from the island, who are supposedly less wedded to the hard-line policies of older Cuban-American activists, would slowly shift this demographic toward the Democrats. But the predictions have never translated into support on Election Day. Republican presidential candidates through the 1980s and 1990s regularly received over 80 percent of the Cuban-American vote. The one anomaly is Bill Clinton, who, in 1996, won an impressive 29 percent of Florida's Cuban vote. But that success had little to do with a new and supposedly more open-minded generation of voters. Clinton won his share of the vote the old-fashioned way—by pandering to hard-liners like the members of the Cuban American National Foundation (CANF) and signing tough legislation like the Helms-Burton Act, which sought to sanction companies using property confiscated from Americans. In 2000, there was again lots of talk about the new wave of more pragmatic Cuban voters, but the theory was never really tested. Once the Clinton administration sent Elián Gonzalez back to Fidel Castro's tyranny, most Cuban-Americans never gave the Democratic ticket a hearing. Bush won eight out of ten Cuban-Americans in 2000, and his brother Jeb won about the same margin two years later in his gubernatorial reelection. Also in 2002, Mario Diaz-Balart, Lincoln's little brother, easily defeated a Cuban-American Democrat named Annie Betancourt, a widow of a Bay of Pigs veteran and a critic of the U.S. embargo. She seemed to be the face of the New Cuban demographic courted by Democrats. But Mario won the South Florida House seat 65 percent to 35, garnering the familiar 81 percent of the Cuban-American vote.

YET THINGS REALLY may be different this time. Last year, Bush started to hear grumblings among his Cuban-American base that he hadn't done enough to dislodge Castro from power. He formed a commission to come up with a comprehensive new Cuba policy, and hard-liners like the Diaz-Balarts helped convince the White House to adopt the panel's most controversial recommendations: a crackdown on remittances and travel to the island by Cuban-American families. The policies sparked outrage in Miami not seen since the Elián affair. The new policies have dominated Spanish-language television and radio. Small Cuban-American businesses that specialize in shipping gift packages to Cuba have told reporters they will likely close down. Cuban-Americans jammed Miami International Airport to squeeze in one last trip to the island before the new rules took effect—some reportedly yelling anti-Bush slogans. New groups like the Cuban American Commission for Family Rights sprung up overnight to oppose the policies. Even CANF issued a statement opposing several of the new restrictions it considers anti-family, pointing out that the policies had "created a greater divide" between established Cuban-Americans and recent arrivals—exactly the split Democrats have been counting on for years.

Polls confirm CANF's observation. A survey of Miami-Dade Cuban-Americans conducted by Sergio Bendixen for

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the New Democrat Network (NDN), a group that has made the Cuban-American vote a top electoral priority this year, shows that a significant chunk of this demographic may now be open to Kerry. Bendixen slices the Cuban-American electorate into three groups. The biggest is made up of those who were born in Cuba and came to the United States prior to 1980 (the year of the Mariel boatlift). These are the most active and committed voters. They tend to be well-educated and wealthy. These people dominate the older Cuban-American political institutions and advocate the most hard-line policies. They have few relatives left in Cuba, so the new remittance and travel policies don't affect them much. A national Democrat has no chance with these voters. Eighty-nine percent support Bush over Kerry. But their ranks are declining. According to Bendixen and NDN, they have dropped from 90 percent to 67 percent of the Cuban-American electorate since 1990.

The remaining third of the electorate—the New Cuban bloc—comprises the two other Cuban-American groups: those born in Cuba who came to the United States after 1980 and Cuban-Americans born in the United States. Unlike the pre-Mariel Cuban-Americans, the recent arrivals are less educated, less politically organized, and more likely to have come to the United States for economic, rather than political, reasons. Many have more in common with recent immigrants from across Latin America than with the pre-1980 Cuban immigrants. And, because they are much more likely to have extended families back home, they are also the ones most affected by the new Bush policies. They support Kerry over Bush 40 percent to 29 percent. The final group consists of the sons and daughters of the Cuban-American immigrants. This new generation is less obsessed with Cuban politics and votes in similar proportion to Latinos generally. Bendixen's poll shows them supporting Kerry over Bush, 58 percent to 32 percent.

EARLIER THIS YEAR, Kerry made a stab at wooing the pre-1980 crowd by trying to outflank Bush on the right, an effort the senator's legislative record made hard to take seriously. But, as Bush moved to adopt the new regulations, Kerry realized his opportunity was with the New Cubans. On June 5, he released a policy paper sharply criticizing the new Bush restrictions, calling them "a cynical and misguided ploy for a few Florida votes. This move will not pressure Castro. But it will pressure Cuban-Americans and their often elderly relatives across the straits."

It's a smart play. A new poll released last week shows that one-third to one-half of Cuban-Americans oppose several of the president's new regulations. But it also finds that, overall, only 16 percent of Cuban-Americans back Kerry—they may be mad at Bush, but they have yet to commit to his challenger. The Kerry campaign, however, is starting to pay closer attention to these voters. In addition to Kerry's recent statements, they now have a full-time staffer organizing Cuban-Americans. They've recruited Fernando Amandi, a former pro-Bush Republican and business leader, to raise money. And the Democrats writing the party platform recently approved language supporting "a policy of principled travel to Cuba that promotes family unity and people to people contact." It won't take a lot for these efforts to prove worthwhile. "We don't have to win the Cuban vote to be successful," says a top Kerry aide in Florida. "We just have to pick up our margin by five or ten points." President Bush may have accidentally made that possible. ■

The Court's real divide.

Divide and Rule

BY JEFFREY ROSEN

AT THE END of June, the Supreme Court issued three decisions repudiating the Bush administration's demand that the courts stay out of the war on terrorism. The decisions were simultaneously lauded as an example of judicial restraint and excoriated as the activism of an imperial judiciary. Cass R. Sunstein of the University of Chicago (and a NEW REPUBLIC contributing editor) praised the Court for deciding the Guantanamo Bay case in the "narrowest possible fashion," while Justice Antonin Scalia criticized the Court for indulging in "judicial adventurism of the worst sort."

In fact, the three terrorism decisions are neither as restrained as Sunstein suggests nor as activist as Scalia fears. Instead, they represent the latest skirmish in a jurisprudential battle that transcends political ideology: the pragmatists versus the legalists. The pragmatists generally defer to the president and Congress, interpreting laws broadly to give the government flexibility to respond to important national problems. The legalists prefer to interpret laws and the Constitution strictly and are perfectly happy to rule against the president or Congress without worrying about the practical consequences. The pragmatists think the Court's job is to make the government run smoothly; the legalists insist on enforcing constitutional limitations even if the result creates confusion and chaos. The shifting fault lines between these two groups of justices are increasingly defining the Rehnquist Court.

The pragmatists won their most notable victory in *Hamdi v. Rumsfeld*, in which the four most pragmatic justices—Sandra Day O'Connor, William Rehnquist, Stephen Breyer, and Anthony Kennedy—concluded that the detention of an American citizen seized in Afghanistan was permitted by the congressional resolution authorizing the president to use force against the perpetrators of the September 11 attacks. In fact, the language of the resolution was ambiguous, but

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the pragmatists read it in a way that avoided a potential constitutional conflict with the White House over the president's powers as commander-in-chief.

But, while the Court's pragmatic plurality concluded that Congress had authorized the president's detention of an American citizen captured in Afghanistan, it went on to hold that Yaser Hamdi was entitled to access to lawyers and independent courts to review the legitimacy of his designation as an enemy combatant. The pragmatists then ordered lower courts to balance Hamdi's interest in liberty against the national interest in security. They said judges should not only provide Hamdi with a lawyer but also craft novel procedures (accepting hearsay evidence, for example, or adopting a rebuttable presumption in favor of the government) that would ensure him a fair opportunity to contest his status without hampering the executive's interest in prosecuting the war on terrorism.

In one of his most surprising and impressive opinions, Scalia, the leader of the conservative legalists, criticized the pragmatic plurality for creating criminal procedure by judicial fiat. Scalia lambasted the Court's "Mr. Fix-it Mentality," in which the pragmatic justices made up procedures that would ensure the constitutionality of the detentions, rather than insisting that Congress hadn't authorized them and forcing the executive to go back to the drawing board. Unless Congress has suspended habeas corpus, Scalia insisted legalistically, any American citizen must be tried as a criminal or released. "By repeatedly doing what it thinks the political branches ought to do, [the Court] encourages their lassitude and saps the vitality of government by the people," Scalia concluded.

HAPPILY, THIS POLITICAL lassitude should end next term, when the Court may confront, for the second time, the case of Jose Padilla, the American citizen seized at O'Hare Airport and detained as a suspect in a dirty-bomb plot. The Court delayed a final decision on his case, arguing that his suit should be filed again in South Carolina, where he is now being held in a military brig. But Justice John Paul Stevens's legalist dissent, joined by Ruth Bader Ginsburg, David Souter, and Breyer (a pragmatist who is often persuaded to side with the legalists), made clear that these four justices believe that the Non Detention Act, passed by Congress in 1971 to avoid a reprise of the Japanese internment cases, "does not authorize ... the protracted, incommunicado detention of American citizens arrested in the United States." When these four votes are combined with Scalia's dissenting opinion in *Hamdi*, there appear to be five votes next year ordering that Padilla must be released or charged as an ordinary criminal.

This conflict between pragmatists and legalists was at the center of other important battles on the Court this term. Consider *Blakely* v. *Washington*, decided on June 24, in which the Court, by a 5-4 vote, struck down Washington state's sentencing guidelines, holding that the Sixth Amendment right to a jury trial doesn't allow judges to make factual findings that increase a sentence beyond the ordinary range for the crime. As Benjamin Wittes of *The Washington Post* pointed out to me, here the dissenters were the four pragmatists who made up a plurality in *Hamdi*—O'Connor, Rehnquist, Kennedy, and Breyer—while the majority was made up of the five legalists who dissented from parts of *Hamdi*—Stevens, Ginsburg, Souter, Scalia, and Clarence Thomas. *Blakely*, which has wreaked havoc by throwing the federal sentencing guidelines into question, reminds us of the extent to which the Court's legalists are willing to disrupt existing federal criminal procedure if they believe the Constitution requires it.

This isn't the first time the legalists and the pragmatists have clashed over their interpretation of the Sixth Amendment right to jury trial. The five legalistic justices of the *Blakely* majority voted together for the first time in 1999, when they questioned a federal carjacking law that allowed sentences to be enhanced without proving each element of the crime beyond reasonable doubt. The following year, in the landmark *Apprendi* v. *New Jersey* decision, they continued their assault on state and federal sentencing guidelines by holding that criminal defendants are entitled to have juries determine every element in a crime beyond reasonable doubt. The legalists wanted to interpret the Sixth Amendment strictly; the pragmatist dissenters would have given the government more flexibility to delegate decisions about sentencing to judges rather than juries.

THE 6-3 GUANTANAMO case, *Rasul* v. *Bush*, represents an uneasy alliance between the pragmatists and the legalists. In his opinion for the Court, Stevens suggested legalistically that any citizen or alien held by American forces abroad might be able to challenge his or her detention in any federal district court. It's hard to tell from Stevens's opinion whether it applies only to Guantanamo, because of its unique circumstances, or whether its sweeping language about judicial oversight of executive detentions could apply anywhere in the world. But Scalia's dissent predicted a lawyer's feeding frenzy as ambulance chasers troll for clients on the battlefield.

It was, in fact, a close question whether Guantanamo Bay counted as sovereign U.S. territory according to the terms of the U.S. lease with Cuba. As Kennedy suggested pragmatically in a concurring opinion, the Court could merely have held that "Guantanamo Bay is in every practical respect a United States territory" without opening up every foreign military base to review by U.S. courts. But Stevens's opinion, in the end, won over the pragmatists—Kennedy, O'Connor, and Breyer—by leaving the White House flexibility to make judgments about what kind of hearings are necessary and how they should be conducted.

On July 7, the White House interpreted the opinion to allow a military process, announcing that detainees could appear before a newly created panel of three military officers and would be provided with "personal representatives," but not lawyers, to advise them. Administration critics have al-

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ready written to Defense Secretary Donald Rumsfeld, arguing that the administration, by denying access to lawyers, has eviscerated the Court's decision in *Rasul*. "The right to habeas corpus has always included the right to legal assistance," the Center for Constitutional Rights wrote to Rumsfeld. The White House's response illustrates that the pragmatists on the Court can't save the president from his worst impulses; they can merely give him a second chance.

The three terrorism decisions, in short, were neither minimalist nor outrageously activist. They were an expression of pragmatism, offered by shifting majorities of justices who were unwilling to accept the executive's claims of unreviewable authority but who wanted to give the president sufficient flexibility to descend from the imperious perch onto which he had climbed. Unfortunately for the White House, the Court's patience may soon run out. And, when that happens, five legalistic justices seem poised to rule that the president lacks authority to detain American citizens indefinitely on American soil. That, in the end, would be the best thing the Court could do for civil liberties, for it would force the president at last to go to Congress and ask it to approve the procedures for terrorist detentions that neither judges nor presidents should invent on their own. ■

Athens Dispatch

Poor Sport

BY KIM CLARK

AMID THIS CITY of endless scaffolding and ear-splitting construction are a few strangely quiet spots. The Olympic swimming pool is nearly done now—since workers have been told not to bother with a roof. Construction crews have been pulled off the unfinished light-rail line because Greece has given up on completing it before the Games begin on August 13.

But frantic work continues on Athens' security measures. On a recent Sunday, gangs of workers were busy digging holes for a chain-link fence around the mountain-biking circuit above the city and wiring security cameras inside still-unfinished athletic venues. Meanwhile, guards in unmarked cars were tailing athletes training in Athens. Terrified that the massive international TV audience, as well as the presence of large numbers of American athletes, will make the Games a prime terrorist target, Greece has been jettisoning "luxuries" like roofs to free up $1.2 billion and 70,000 workers to provide security.

Of course, athletes and fans must be protected. But terrorists may not pose the biggest threat to the Games. The Olympics survived two world wars, cold war boycotts, and Munich's Black September attack. After all that, however, the Games were almost scuttled four years after Munich when Montreal threw a poorly organized and financially disastrous Olympiad that scared cities off from hosting future Games. The bigger threat to the Olympics, it turned out, was something security fences can't prevent: unsustainable economics. And now, history may repeat itself. After being temporarily rescued by the Los Angeles Games in 1984, which made a profit of at least $230 million, the Olympics have again spiraled into economic trouble. In fact, it is becoming obvious that Athens, like other recent Olympiads, will be a financial fiasco. The dithering and corruption of the Greek government, in addition to international demands for massive security and more events, will likely push the final cost to nearly $12 billion.

NO ONE KNOWS exactly how much the 2004 Games will ultimately cost or how Greece has managed to spend so much money with so few results. But there are some good estimates. Greek officials announced last month that the Games would cost taxpayers at least $7.2 billion. Beyond that, another $4 billion in Olympic-related taxpayer contributions has been buried in the budgets of Greece's government agencies.

Greece's long delays in starting construction contributed to these high costs. Racing to make up for lost time, the government is now paying workers up to 100 percent bonuses to spend nights and weekends paving the road to Marathon and planting trees and flowers around sporting venues. Expenses were probably also illegally padded . Greece is rated the most corrupt country in Western Europe by Transparency International (TI), a global anti-corruption watchdog. Virginia Tsouderos, the chair of TI's Greek chapter, alleges that Greece's Olympic contracts required large-scale bribes: "That's where the big money under the table was circulating." Tsouderos is convinced that Greek construction companies working on Olympic venues slowed their pace in 2003 and early 2004 to extort the government into giving them more money to finish on time: Traveling around Athens in early 2004, she noticed the companies "had only one worker on every project."

But the massive expense is not entirely Greece's fault. Post–September 11 security, likely to top $1.2 billion, added to the costs. And costs have been inflated by the increasing size of the Games. The Atlanta Olympics had 271 events, and yet it didn't face the expense and hassle of providing venues, staff, and crowd control for new Olympic disciplines like triathlon, trampoline, or TaeKwon Do. By comparison, Athens will have a record 301 events.

Nobody would begrudge these high costs if there were any chance the investment would pay off. But that looks increasingly unlikely. True, Athens will be an improved city

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because of Games-related investment. Its new metro lines and roads will ease its infamous traffic problems. Its city squares will be beautified. But those improvements could have been made for much less, and on a more reasonable timeline, without the Olympics. And the expenses associated with the Games look unrecoverable. Only about half the event tickets have been sold, and regular tourists to Greece have been scared off by reports of pre-Olympic construction: Visits to Athens are down nearly 20 percent this year. And Greece, like many Olympic cities, has no concrete plans for how to use the Olympic sporting venues after the Games. In fact, many Olympic investments will be purposely scrapped: Citing concerns about privacy, the Greek government recently announced that the 1,500 new Olympic security cameras will be disconnected after the Games.

As a result, Greeks are girding for a depressing Olympic hangover. The European Union, which mandates budgetary discipline for members, last month gave Athens four months to clean up Greece's increasingly ugly balance sheet. Thus, just when thousands of Olympic-related workers lose their jobs in September, the Greek government will have to institute painful budget cuts.

So far, the cities bidding for future Games don't seem scared by Athens' troubles. Dan Doctoroff, a deputy mayor of New York and the prime mover behind that city's bid to host the 2012 Games, says that while there are less tangible reasons—such as unifying New Yorkers—for hosting the Games, "the first reason is financial." New York, he says, will follow the example of better-run Games like Los Angeles, which used private investment to reduce the burden on taxpayers. He calculates New York would gain $12 billion in additional economic activity from hosting the Olympics.

But Philip Porter, one of the few academics to examine Olympic economics, says Doctoroff's argument is "bunk, with a capital B." The only analyses that show economic benefits exceeding costs are produced by consultants paid by boosters for a bid, says Porter, who heads the University of South Florida's Center of Economic Policy Analysis. Indeed, while the Athens fiasco is extreme, every other recent Olympic city has suffered from similar financial problems. And skyrocketing security costs have permanently worsened the financial calculus by adding a massive expense that doesn't bring in revenue, says Holger Preuss, a German economist who analyzes Olympic finances. In addition, there is continuing pressure to further expand the Games. Golf, rugby, and even tug-of-war are all lobbying to become Olympic sports.

And, as Salt Lake City's scandal-plagued organizers can attest, Olympic graft is endemic. There is so much money sloshing around the Olympics, and Olympic organizations are so secretive and unregulated, that corruption is almost inevitable, says Kevin Wamsley, director of the International Centre for Olympic Studies at the University of Western Ontario. Case in point: Last month, a South Korean vice president of the International Olympic Committee (IOC) was convicted of embezzling millions of dollars. His defense: He didn't keep the money. He spent it on Olympic-related expenses, such as bribing North Korean Olympic officials to march with South Koreans in Sydney's opening ceremony.

So future Olympics likely won't be any less of a financial burden. No Games since Los Angeles have come anywhere near covering their costs with revenue raised from ticket sales and broadcasting rights. In Atlanta, for example, the General Accounting Office found that American taxpayers spent $609 million in subsidies for the Games. Taxpayers got no economic return on that investment, says Porter—"Hotel occupancy didn't increase, retail sales didn't increase, and arrivals at the airport didn't change." The story was sadly similar in 2000. The auditor of Australia's New South Wales province found that its taxpayers wound up paying about $700 million toward the Sydney Games. Sydney enjoyed a jump in tourism shortly after the Olympiad, but it did not last very long.

When Athens adds yet another red-ink blotch on the Olympics balance sheet, it may well serve as the tipping point that persuades Olympic fans to do something to save the Games from financial ruin. Olympic officials have already started to take baby steps to rein in costs. After the Salt Lake City bid bribery scandal, the IOC adopted rules against gifts. And IOC President Jacques Rogge has refused to add new sports between 2004 and 2008.

But there is growing agreement among economists, fans, and athletes that more drastic surgery will be needed. "The Games have gotten too big," says Preuss. The Olympics will have to jettison some sports to make sure future Games are held, he says. Olympic soccer, for example, could be canceled because it is expensive and far inferior to the World Cup. Regionally popular sports like baseball, softball, and TaeKwon Do may not belong in a global event. A few athletes are even starting to question their own sports' inclusion. Russian tennis star Marat Safin last month reluctantly agreed to play in the Olympics but said the competition was pointless, since Grand Slam events really determine the sport's champions.

Of course, some broadcasters, advertisers, and sports fans might fight any attempt to cancel their favorite events. So any attempt at rationality will have to be imposed by the average citizens, who are increasingly subsidizing the Games. A century ago, the founder of the modern Olympics, Baron Pierre de Coubertin, rejected the money-saving option of choosing a permanent home for the Olympics because he wanted to spread around the world the Olympic creed: *Citius*, *Altius*, *Fortius*—faster, higher, stronger. If they want to keep spreading the noble gospel of human achievement and international cooperation, today's Olympic officials may have to add a few more Latin words: *Minus*, *Humilius*. ■

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The case against George W. Bush: Part II.

Power from the People

BY JONATHAN CHAIT

LAST SUMMER, PRESIDENT Bush and the Republican congressional leadership had a problem. The legislative linchpin of the president's reelection effort, a bill to add prescription-drug coverage to Medicare, lacked the votes in Congress, where conservative Republicans were chafing at the expense. GOP leaders finally secured a bare majority by consenting to the demands of 13 Republican House members, who agreed to vote yes if the cost would not exceed $400 billion over ten years. But that created another problem: The administration knew the bill would cost considerably more—$534 billion, to be exact.

The only non-loyalist who seems to have known the real number was Richard Foster, a 31-year veteran of the bureaucracy who was serving as chief actuary of the Department of Health and Human Services. The job of putting a lid on Foster fell to his boss, Thomas Scully, appointed by Bush to run Medicare. Scully instructed Foster not to reveal the number, or even to answer queries from Democrats, without his approval. Foster later said he understood Scully to be operating at the White House's direction. In one e-mail obtained by *The Wall Street Journal*, Foster asked Scully for permission to answer congressional queries that "strike me as straightforward requests for technical information." No, replied Scully's assistant, who then warned, "The consequences for insubordination are extremely severe." (Scully, by the way, later admitted to having negotiated a job with lobbying firms while he helped craft the bill, in which they had a massive interest.)

The Medicare bill was therefore widely understood to cost $400 billion when, at three o'clock in the morning on November 23, the House of Representatives assembled to vote on it. Surprisingly, a majority voted no. In response, the GOP leadership violated the customary time limit on votes, holding the vote open for nearly three hours and twisting enough arms to reverse the result shortly before dawn. (A hint as to their methods of persuasion came from retiring Republican Representative Nick Smith, who offhandedly revealed a few days later that certain "members and groups" had offered to contribute $100,000 to the congressional campaign of his son Brad, who was running for Smith's seat, if he voted yes.) When Democrats controlled Congress, they had extended a vote once, in 1987, for 15 minutes, after a member inadvertently caused a budget bill's defeat and then left town—provoking spasms of indignation from Republicans. The three-hour Medicare vote, congressional scholar Norman Ornstein of the American Enterprise Institute later wrote, was "the ugliest and most outrageous breach of standards in the modern history of the House."

To ensure that it received proper credit for the new law, the Bush administration employed similarly unconventional means, hiring a pharmaceutical lobbyist to help sell it to distrustful voters. The advertising campaign included $9.5 million in TV advertising—which, astoundingly enough, was financed not by Bush's campaign, but by taxpayer dollars. Promotion of the law also involved the production of "video news releases," in which a "reporter"—actually, a p.r. agent—touted the virtues of the new Medicare law. The General Accounting Office (GAO) later concluded that the videos amounted to an illegal use of government money to produce propaganda, but not before 40 TV stations had already aired them.

Here we have a sample of the style of governance that has prevailed under Bush's presidency. It's not the sort of thing you would find in a civics textbook. Bush and his allies have been described as partisan or bear-knuckled, but the problem is more fundamental than that. They have routinely violated norms of political conduct, smothered information necessary for informed public debate, and illegitimately exploited government power to perpetuate their rule. These habits are not just mean and nasty. They're undemocratic.

What does it mean to call the president "undemocratic"? It does not mean Bush is an aspiring dictator. Despite descending from a former president and telling confidants that God chose him to lead the country, he does not claim divine right of rule. He is not going to cancel the election or rig it with faulty ballots. (Well, almost certainly not.) But democracy can be a matter of degree. Russia and the United States are both democracies, but the United States is more democratic than Russia. The proper indictment of the Bush administration is, therefore, not that he's abandoning American democracy, but that he's weakening it. This administration is, in fact, the least democratic in the modern history of the presidency.

THERE ARE MANY definitions of democracy, but let us begin with one supplied by Bush himself. A democracy, he told Al Arabiya television in May during an interview on the Abu Ghraib torture scandal, is "where leaders are willing to discuss it with the media. And we act in a way where, you know, our Congress

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asks pointed questions to the leadership. In other words, people want to know the truth. That stands in contrast to dictatorships. A dictator wouldn't be answering questions about this."

It's ironic that Bush used this definition because, by this measure, he has run the least democratic administration of any president since the advent of television and radio. Since Franklin Roosevelt made press conferences a regular feature, Bush has held fewer of them than any president—14 solo press conferences, as compared with Bill Clinton's 41 and George H.W. Bush's 77 at this point in their presidencies. When he does appear before the press, Bush routinely refuses to answer difficult questions. (Why did he insist that Vice President Dick Cheney appear by his side before the 9/11 Commission? "Because it's a good chance for both of us to answer questions that the 9/11 Commission is looking forward to asking us. And I'm looking forward to answering them.") The president is so evasive that his technique has become a point of pride for his admirers. "Watching President Bush's press conference Tuesday night, you could see why he drives the press crazy," wrote Fred Barnes in *The Weekly Standard* this April. "No matter what they asked, his answer was invariably the same."

Bush's attitude typifies his administration's general refusal to speak candidly. Every presidency, of course, tries to formulate a party line. But, before Bush, the spin was usually counterbalanced by off-the-record candor. "In other Administrations, the chief of staff and key deputies—people like [Michael] Deaver and James A. Baker III, during the Reagan-Bush years, and John Podesta and Leon Panetta, under Clinton—have usually been open with reporters; they've even courted the press," Ken Auletta reported in *The New Yorker* this January. "In the current White House, [Andy] Card and [Karl] Rove usually don't return calls, and staffers boast of not answering reporters' questions."

Some Bush supporters explain this reticence as a justified response to a biased media. Yet Bushies show no more willingness to answer pointed questions from Congress. Last month, Attorney General John Ashcroft refused to release the administration's memos on the use of torture and refused even to offer a legal basis for his refusal. These sorts of incidents have become routine. In 2002, the administration denied requests to have Homeland Security czar Tom Ridge testify on Capitol Hill. That same year, Medicare Director Scully refused to appear at a hearing where witnesses with different points of view were allowed to testify. Last fall, the Bush White House declared it would not answer any questions from Democrats on the Appropriations Committees unless those questions were first cleared with the Republican chairmen. (This latter demand was so outrageous that the administration had to drop it after even congressional Republicans objected.)

The best single measure of Bush's unwillingness to submit to pointed questions may be his disposition toward the 9/11 Commission. First, he fervently opposed creating the Commission. When that failed, he threw up impediments to their work. He sought (unsuccessfully) to prevent national security adviser Condoleezza Rice from testifying. Bush himself initially refused to testify and blocked the Commission's access to important documents. Later, after agreeing under pressure to testify, he refused to do so under oath. He sought to limit his testimony to one hour. He sought to block commissioners other than the co-chairmen from attending his testimony. He demanded that Cheney appear alongside him. He allowed only a single staffer to take notes. And he barred the presence of a transcriber.

Who else has the White House tried to keep in the dark? Oh yes: the public—the people who Bush says "want to know the truth." "For the past three years, the Bush administration has quietly but efficiently dropped a shroud of secrecy across many critical operations of the federal government—cloaking its own affairs from scrutiny and removing from the public domain important information on health, safety, and environmental matters," concluded a long investigation by *U.S. News & World Report* last December. "The result has been a reversal of a decades-long trend of openness in government." Consider just one example. Bush's 2004 budget cut grants to the states (outside of Medicaid, which rises automatically) by 2.4 percent. After statehouses complained, the administration announced it would cease publishing *Budget Information for States*, which documents how much states receive from various federal programs. (The administration claimed it did so to save on printing costs.) The result, as Alysoun McLaughlin of the National Conference of State Legislatures told *The Washington Post*: "There's no one place in the public domain for this information anymore."

The administration has not confined its mania for secrecy to obscure policy wonkery; it has been essential to selling most of its signature policies. The Medicare bill would not have passed Congress had the administration shared its true cost. And both Congress and the public might have been more skeptical of the administration's repeated claims that Iraq's oil could, as Deputy Defense Secretary Paul Wolfowitz put it, "finance its own reconstruction, and relatively soon"—and of the case for war in general—had they been allowed to see a secret government study that painted a decidedly bleak picture of Iraq's oil industry.

YALE'S ROBERT DAHL, America's foremost democracy scholar, suggests another definition of democracy. "Opportunities to gain an enlightened understanding of public matters are not just part of the definition of democracy," he writes in his book *On Democracy*. "They are a requirement for democracy." It is not terribly controversial to suggest that democracies function best with an informed public, and the administration's inaccessibility and penchant for secrecy obviously hinder that. But Bush has done more than keep the public in the dark: He has actively sought to mislead it.

One particularly egregious example is the administration's persistent effort to cultivate in the public mind a con-

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nection between Iraq and the September 11 terrorist attacks in order to justify a war to oust Saddam Hussein. As one White House adviser told *The New York Times*, "If you discount the relationship between Iraq and Al Qaeda, then you discount the proposition that it's part of the war on terror. If it's not part of the war on terror, then what is it—some cockeyed adventure on the part of George W. Bush?"

So the administration led Americans to believe that Iraq had aided in the attacks on us. Cheney, for example, repeatedly referred to an alleged 2001 meeting between September 11 hijacker Mohammed Atta and an Iraqi intelligence agent in Prague—even though the CIA determined the meeting never took place. Cheney would suggest Iraq's involvement in September 11 in more subtle ways as well: "If we're successful in Iraq," Cheney asserted last year, "we will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who have had us under assault now for many years, but most especially on September 11." This statement is not false—the terrorists were, in fact, geographically based in the region of which Iraq is the heart—but it is designed to give the false impression that the September 11 terrorists were *based in Iraq*. Similarly, in his letter to Congress requesting authorization for war with Iraq, Bush wrote that such action "is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001."

This campaign of misinformation succeeded. During the run-up to the war, a large majority of Americans implicated Iraq in the September 11 attacks. Even if you supported the Iraq war (as I did), this fact must be considered a serious problem for American democracy. Bush did not obtain, or even seek, the rational, informed consent of the public.

But the Iraq war was a model of enlightened deliberation compared with the process that resulted in Bush's signature tax cuts. Again, setting aside the substantive merits of the tax cuts (which, regular NEW REPUBLIC readers may vaguely recall, I did not support), two pieces of public opinion data stood out in 2001. First, only 20 to 30 percent of voters deemed tax cuts their highest fiscal priority—the rest preferred increased spending or debt reduction. Second, polls showed that the public preferred tax cuts distributed far more evenly than Bush desired. The most popular option was to give every taxpayer an equal-sized rebate—an option several orders of magnitude more progressive than what actually passed.

The administration confronted both problems by mounting an elaborate disinformation campaign. Bush's approach is thrown into stark relief by a White House memo instructing Treasury Secretary Paul O'Neill how to communicate the administration message during his March 2001 appearance on "Meet the Press." "The public prefers spending on things like health care and education over cutting taxes," the memo warned. "It's crucial that you make clear that there are no tradeoffs here." In this case, the phrase "make clear" serves as a euphemism for "lie." More money for tax cuts necessarily entailed less for health care and education.

Falsehoods were embedded in nearly every aspect of Bush's sales pitch: his claim that his tax cut would amount to just one-fourth of the projected surplus (his own figures showed one-third); his assertion that "by far the vast majority of my tax cut goes to those at the bottom" (in fact, some 40 percent went to the wealthiest 1 percent); and his repeated claim that a waitress earning $20,000 a year was the paradigmatic beneficiary of his tax cut (in truth, most such waitresses got nothing from Bush's plan, and the few who did benefit received about $125).

In previous years, the effects of such propaganda would have been blunted by official computations by number-crunchers at the Treasury Department and the Joint Committee on Taxation, who used to release figures on who would benefit from various changes in the tax code. But, when they took control of the White House and Congress, Republicans put a stop to such inconvenient wonkery. True, Republicans could not prevent the Congressional Budget Office from estimating the cost of their tax cuts. But they could, and did, render such estimates meaningless by larding up their tax bills with gimmicks, such as sunset provisions, that obscured the true cost of the cuts and forced public debate to revolve around numbers—as in a "1.3 trillion dollar tax cut"—that experts on both sides understood to be fantastical.

Don't all politicians fudge the truth from time to time? Sure. The difference is that, over the last few years, misinformation has become fundamental, rather than incidental, to the political process. As Thomas Mann of the Brookings Institution puts it, "What's striking is the extent of [manipulation] in this administration. The most ambitious and fundamental proposals have been cloaked in language that's designed to mislead." This dishonesty is necessary because the policies do not reflect the will of the majority. As a forthcoming paper on the 2001 tax cut by Yale's Jacob Hacker and Harvard's Paul Pierson notes, "For those committed to core principles of democratic governance, the picture that emerges is unsettling. On the central questions of how large the tax cut should be and how its benefits should be distributed, the preferences of a majority of voters appear to have been systematically ignored. Far from ruling the polity, average voters proved vulnerable to systematic and extensive manipulation."

DEMOCRACIES ARE ALSO characterized by limits on the use of government power to ensconce the ruling party. Indeed, limits on such abuses are a key determinant of a democracy's strength. This is why we don't allow the president to, say, force federal employees to donate to his campaign, or sic the Internal Revenue Service (IRS) on his critics. If the incumbent could turn the entire government into an apparatus of his political party, then dislodging incumbents would become

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prohibitively difficult. That's precisely what happens in weak democracies—classic "one-and-a-half party" states like Singapore and Paraguay—where ruling parties can hold power for decades despite superficially free elections.

But, if democracy requires a distinction between the interests of the government and the interests of the party that happens to run it, Bush and his allies have little regard for such discrimination. Bush's use of the Department of Health and Human Services to fund propaganda on behalf of its Medicare bill was not an isolated instance. After cutting taxes in 2001, the IRS mailed out promotional notices to the public, gushing, "We are pleased to inform you that the United States Congress passed—and President George W. Bush signed into law—the Economic Growth and Tax Relief Reconciliation Act of 2001, which provides long-term tax relief for all Americans who pay income taxes." (Larry Noble of the Center for Responsive Politics told the *Times*, "I've never heard of anything like this, certainly not from the IRS, certainly not with this rah-rah tone. It's outrageous.") When the checks did arrive, they were helpfully emblazoned with Bush's catchphrase, "Tax relief for America's workers."

The Bush administration has been just as brazen about misusing its powers over state secrecy. While the White House has restricted access to vast swaths of material—even classifying decades-old documents that had never previously been classified—it has been extravagantly liberal in releasing information that suits Bush's partisan interests (see "Secrets and Lies," page 7). In 2002, Bush embarrassed his predecessor by declassifying portions of the transcript of a conversation in which Israeli Prime Minister Ehud Barak asked Bill Clinton to pardon fugitive tax-evader Marc Rich. When Clinton asked Bush to declassify the rest of the transcript, arguing that additional context would make him look better, the White House refused. This spring, the administration declassified a steady stream of memos and briefings all for the purpose of rebutting criticisms raised by the 9/11 Commission. (For instance, it declassified a 1995 memo by Commission member and former Clinton Justice Department official Jamie Gorelick in an attempt to embarrass her.) "Bush is the first president since Richard Nixon to try to brandish declassification as a political weapon," concluded John Prados, an analyst with the National Security Archive, in an article for TNR ONLINE.

Perhaps it should come as no surprise that Republicans draw little distinction between their partisan interests and the national interest; they have all but said so. As the Iraq war began last year, Republicans argued that patriotism required the passage of Bush's tax cuts. "When our troops are over there fighting," GOP Senator Kay Bailey Hutchison put it, "we don't want partisan bickering to be what they see on television from back home." Once you have equated the security of the state with the welfare of a political party, it's no great leap to turn the former into an instrument of the latter. In May of last year, House Majority Leader Tom DeLay ordered the Department of Homeland Security to track down an airplane carrying Democratic legislators fleeing Texas in order to foil a GOP redistricting effort. Last July, House Ways and Means Committee Chairman Bill Thomas ordered Capitol Police to break up a meeting of Democratic representatives. (DeLay's request was heeded; Thomas's was not.)

But the most effective use of self-perpetuating power has been the particularly undemocratic way Bush's party has run Congress, especially the House of Representatives. It's hardly new, of course, for the House majority party to run roughshod over the minority. But, with Bush issuing orders to DeLay, the trampling of minority rights in the last few years has "been carried to a new extreme," as Mann told my colleague Michael Crowley in the latter's definitive report on the subject ("Oppressed Minority," July 23, 2003).

The GOP, for example, routinely denies Democrats the right to propose or amend legislation. As a result, popular reforms—such as allowing the importation of prescription drugs from Canada—have never come to a vote, even though a majority of representatives support them. Republicans restrict debate to an hour or less on major legislation. They bring bills to the floor minutes before they are to be voted on, allowing members (and reporters) almost no chance to understand the details before they are passed. That the Medicare vote took place between 3 a.m. and 6 a.m. is not usual—the House does its business in the dead of night, literally and figuratively.

The import of such procedural tactics becomes clear if we consider a couple of examples. Last year, the administration proposed a rule change allowing companies to deny more of their workers overtime pay. Under public pressure, the Senate and the House both voted to bar the change. But then a conference committee—which, by rule, may only iron out differences between the House and Senate, not rewrite provisions on which the two chambers agree—inserted it into a bill anyway. The same thing happened in March, when a conference overturned a vote by both the House and Senate to stop the Federal Communications Commission from weakening regulations on media concentration. The beauty of this end-run tactic, for the GOP leadership, is that they get the unpopular policies they desire, but politically vulnerable Republicans can tell their constituents they voted against them. Democracy only works if voters know who to blame if they don't get their way. Today, however, Congress is run specifically to prevent that from happening.

And, at the direction of the White House, Republicans are working to make sure it stays that way, using—you guessed it—undemocratic means. In 2003, Republicans in Texas and Colorado, at the urging of DeLay and Rove, violated a long-standing tradition by redrawing the congressional map to their benefit without new census data. Both parties have engaged in gerrymandering throughout U.S. history. But, in Texas and Colorado, Republicans have taken the practice beyond the previously accepted norms.

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WE'VE GROWN ACCUSTOMED to thinking that such excesses, both in governing style and ideology, invariably lead to a correction. The consensus could be summarized in a single line: "The system works." But, in fact, it was the very flaws of the system that gave Bush the means, motive, and opportunity to govern so undemocratically.

Bush's election, through no fault of his own, depended on a series of undemocratic quirks in our electoral process. First, the United States is the only democracy in the world that allows a popular-vote loser to win an election. (Whether or not this arrangement makes sense, a system that sometimes awards the election to the candidate who receives the second-most votes is, by definition, less democratic than a system that never does.)

Moreover, the electoral college gives disproportionate power to citizens of less populous states. The combined population of the Gore states exceeded that of the Bush states, but, since Bush had more small-state support, he won the electoral college. (And, again, whatever the general merits, giving more voting weight to some citizens than to others is inherently less democratic than giving equal weight to all.)

Finally, unlike parliamentary or run-off elections, our elections offer no way for third-party voters to register a second choice—resulting in perverse outcomes such as a right-of-center candidate winning despite two left-of-center candidates combining for an outright majority. Had any one of these quirks not existed, Bush would not be president, and a platform lacking popular support would not have been thrust to the top of the national agenda. But they didn't exist, and Bush, in power but without public backing, found duplicity an effective tool.

Normally, the consequences of an electoral fluke would have been limited by a Congress sensitive to public opinion. But Congress is not completely democratic either. The House has been gerrymandered to the point where competetive elections are rare and GOP control is all but immune to voter dissatisfaction. And the Senate—reflecting an even more pronounced small-state bias than the electoral college—gives the citizens in the 30 states Bush won in 2000, which comprise slightly less than half of the U.S. population, 60 seats. The 20 states Gore won comprise a narrow majority of the population, but they get only 40 seats in the Senate. Even with this skew, Democrats captured nearly half the seats; balance the scales, and the Senate would have a solid Democratic majority.

Republicans therefore ended up running the presidency, the Senate, and the House, despite a lack of evidence that voters wanted them to control *any one* of the three. At the beginning of 2001, the conventional wisdom held that Republicans would court a backlash if they exceeded their limited mandate. The common metaphor is a pendulum that, if tilted off center, inevitably swings back. The more apt (and less comforting) metaphor, however, may be a feedback loop. Facing a lack of public support, Bush and his allies circumscribe normal democratic procedures to enact their agenda. The Republican Congress, in turn, spares Bush from paying a price for his anti-democratic endeavors, and this protection only encourages further abuses by the White House.

Indeed, Congress has ceased to provide a check on the executive branch, functioning instead as the legislative arm of the White House. Bush is the first president since James Garfield not to veto a single bill. Whereas the Democratic Congress held hearings about Whitewater, it's simply impossible to imagine today's GOP Congress investigating Bush's past business dealings. Even Republicans confess that their party has essentially abandoned its duty to oversee the executive branch. "Our party controls the levers of government," GOP Representative Ray LaHood told *Congressional Quarterly*. "We're not about to go out and look beneath a bunch of rocks to try to cause heartburn."

And so, where the Republicans have broken rules—say, using the Treasury department to disseminate political advertising, or employing conference committees to write laws from scratch—the enforcement mechanisms are essentially controlled by the perpetrators themselves. If Republicans stand together, there will be no investigations. (Or, at least, no serious investigations.) If there are no investigations, there is no process for the media to cover. If there's no media coverage, there's no public outrage to constrain the GOP. After the GAO ruled that the administration broke the law with its Medicare videos, Democrats in Congress demanded that the money spent on the ads be refunded. But Republicans simply ignored them, and the story disappeared.

In any case, most of the abuses under Bush—things like suppressing cost estimates, or redistricting more than once a decade—have violated norms, not rules. When you violate norms, you're limited only by your sense of shame and your party's willingness to stick together. Which suggests the most frightening lesson of the Bush administration: The institutional restraints on an anti-democratic presidency are weaker than we believed. When we say "the system works," we think of Nixon's various shady machinations against his foes, or Franklin Roosevelt's court-packing scheme, both of which were duly foiled. But those anti-democratic excesses were foiled not merely by "the system," but by the people who inhabited that system and the particular political circumstances of the time. Nixon's crimes were uncovered by a Democratic-controlled Congress, whose investigations gained bipartisan legitimacy when many Republicans (including members of Nixon's own administration) turned against him. Unlike Nixon, FDR enjoyed unified control of Congress, yet his fellow Democrats were fractious enough to stop him from bullying the Supreme Court. Had those presidents, like Bush, enjoyed the benefits of a subservient Congress and a staff that never spoke out against their excesses, they might have done a lot of damage.

How much damage will Bush ultimately do? The answer is still to be determined, and the biggest single thing that will determine it takes place on November 2. ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Time Suspended

THE BASIC IDEA OF **THE TERMINAL**, Steven Spielberg's new film, comes from the story of an Iranian citizen who became trapped in a Paris airport with an invalid passport. He could neither enter France nor go home. With this fact as base, Sacha Gervasi and Jeff Nathanson have fashioned a screenplay for Spielberg—original story by Gervasi and Andrew Niccol—set in the international terminal of Kennedy Airport in New York.

THE TERMINAL
(DreamWorks)

FATHER AND SON
(Wellspring)

That basic idea is stimulating. Airports, as experiences, are haunting. I have never been in an airport in any country when I did not feel that I was, if only briefly, immured—cut off from normal life even as it is visible from the windows. That entrapment, I thought, could be an apt start for film imagining. For myself, two views of airports prevail. First, a major airport terminal is a commercially compressed caricature of the civilization around it. The shops, the food places that range from grub counters to mock-luxurious restaurants, the ubiquitous television screens blazoning various kinds of drivel, the omnipresent neon nimbus that is vaguely nauseating, the conflicting traffic patterns of anxious motion and boring stasis, the sense that the control of one's life is in the hands of invisible scoffing powers—all these form a closely packed cartoon of the world outside.

And there is an entirely different terminal nightmare. It has nothing at all to do with the world around it. The traffic outside is a clever illusion. Instead, the terminal is a space station far away from planet Earth, with Earth-based planes arriving and departing. Perhaps, one can think, the terminal is a way station of the afterlife. All of us here have died. The planes bring the newly deceased: then, after some period of airport limbo, take them on into infinity.

I hoped that Spielberg, whose imaginative faculty is well proved, would go far beyond my own conceits. But he went nowhere. After he chose the airport and the stranded man, it seems that he was stuck. He didn't know what to do with that man for the duration of the film. Spielberg apparently viewed his film as a two-hour container that had to be stuffed with material. What his writers and he have come up with is a screenplay that practically moans with desperation at the burden of filling those two hours.

The protagonist is Viktor Navorski (not Victor Navasky, who is someone else). He comes from a country named Krakozia, which has had a revolution while he was in flight; the change of government invalidates his papers. He cannot enter America or go home. He must wait—for almost a year, as it turns out. That year is treated by Spielberg without any perceptive response to the terminal as such and, aside from superficial irritations, utterly without any exploration of the effect on Viktor of his statelessness. The two hours are filled somehow: a romance with an airline hostess who is otherwise engaged; another romance between a new friend, a food handler who feeds Viktor, and a customs woman; an argumentative Indian sweeper; pratfalls on slippery floors; a renovation project in the terminal on which Viktor (who is a professional builder) works; a running vaudeville routine between him and the government official in charge of his case; and other wisps. In short, any inspiration that the setting and the man's political dilemma might have evoked is jettisoned—for scraps of old movies.

This is somewhat shocking. Spielberg's career has ranged from the exalted (*Schindler's List*) to the extraordinary (*Close Encounters of the Third Kind*) to the cheerily entertaining (*E.T.* and *Catch Me If You Can*) to fare intended, as they say, for children of all ages (*Raiders of the Lost Ark* and *Jurassic Park*), but even at the low end of the Spielberg spectrum, there has always been some air of ingenuity, some sense of the maker's excitement. Not here. *The Terminal* plods in spirit and execution.

Alex McDowell designed a cruelly veristic immense terminal for the film. Michael Kahn edited the picture adroitly, trying to lift some limp material. Janusz Kaminski, a marvelous cinematographer, didn't get much chance for marvels but supplied what the film needs. Catherine Zeta-Jones, as lovely as ever, is authentic in the few good moments that the cobbled-up hostess role allows her. Stanley Tucci clearly knows that he has a clichéd part as the beleaguered government official and does his best to give it some polish.

The disappointment in the cast is, once again, Tom Hanks, who plays Viktor. The man who gave such full performances in *Philadelphia* and *Forrest Gump* and *A League of Their Own* has of late been gliding through roles rather than inhabiting them. This was first apparent in *Saving Private Ryan*, in which he had a decently rounded character and simply did not authenticate it. In *The Terminal* the gliding is even worse, because the role is a thing of shreds and patches. Hanks tried to characterize Viktor's walk, but that was about all the creation. (The reason for Viktor's American visit, when we finally learn it, makes the role even more of a figment of story conferences—and almost excuses Hanks's failure to realize it.)

But the worst disappointment is with Spielberg. To expect, even to hope for, another *Schindler's List* would be unreasonable. But where at least is the dexterous entertainer? In *The Terminal*, the Indian sweeper turns out to be an ingenious juggler. The ingenious Spielberg turns out to be an airport sweeper.

The Russian director Alexander Sokurov last presented *Russian Ark*, a film done in one continuous take that traveled

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through the Hermitage in St. Petersburg with a double excitement—what we saw and the vehicle of motion through which we were seeing it. Sokurov's latest film, **FATHER AND SON**, returns to the style of his earlier work, *Mother and Son*. Reportedly, there is to be a third, constituting a trilogy—in method, not in story, a method quite unlike *Russian Ark*, which apparently was a mobile holiday for him.

As he did in the mother film, Sokurov here concentrates on two elements, time and immersion. In every sequence, he bids time stand still so that he can drain every dram of relevant emotion from it. If two men speak together, he positions them close to each other—European ideas of conversational space between people are different from ours in any case—and has them treat every utterance like a morsel of food on which their lives depend. The story as such is virtually non-existent. A youth in his teens is a cadet in a military school; his father lives nearby; the youth has a girlfriend; he has male friends. Some things happen in the course of eighty-four minutes, but our looking at them is, to Sokurov, more important than what happens. And we look at them through a fairly constant filter of sepia that keeps the scenes consciously pictorial.

In the opening sequence two bodies are clasped in a sort of motion with each other. We assume that sex is in process. We learn that they are both male, which alters the first impression only partially. Then we discover that they are a father and son, with the father comforting the son, who has had a nightmare. Sokurov uses the occasion as a chance for absorption in the auras of two bodies, in restrained and carefully conditioned light, with our initial false assumptions as part of the design.

Sokurov thus is much less interested in the traditional or even the conventionally unconventional. *Father and Son*, like *Mother and Son*, is an attempt to penetrate recesses in human beings through fixedness, communion through intensity. The result can be—sometimes is—tedium; but, whether or not the work succeeds as Sokurov intended, it is an adventurous director's probe of cinema possibilities. ■

JED PERL ON ART
Seurat's Sight

I.

WE DO NOT NEED AN artist to show us the intensity of a color, the grace of a line, or the vehement contrast between a light form and a dark form. There are powers that are inherent in color, line, and form—powers that we register immediately, almost unthinkingly, as we regard the world around us. Great painters and sculptors tap into these pre-artistic experiences of sight. And the work that they produce, whether more or less naturalistic or more or less abstract, becomes a wonderfully intricate re-enactment of the fundamentals of seeing. Artistic individuality is expressed through the complexities of the re-enactment—through its angles and eddies, its emphases and elaborations. An artist's sensibility suggests a series of reflections on the possibilities of sight. And an artist's style, when fully formed, is a reckoning with the possibilities of sight.

SEURAT AND THE MAKING OF *LA GRANDE JATTE*
(Art Institute of Chicago)

A style is a philosophy of seeing. The artist of a classical turn of mind is likely to assume that color and line and form have an existence that precedes any particular person's experience, so that seeing becomes a way of comprehending a fundamental pattern. The artists whom we think of as Romantics or Expressionists may be inclined to believe that form and space have no fixed identity and are therefore continuously re-created through the process of looking. For all artists, seeing involves not only seeing the world but also seeing the work of art through the stages of its evolution, and that evolution is often an exploration of the paradoxes of sight. Corot knew how to give an inevitability to the quotidian juxtapositions of trees and buildings and sky that he discovered when he worked out of doors. The surprise that awaits us in some of Poussin's and Mondrian's paintings is that their insistence on determining the underlying—indeed, the hidden—laws of the visual world provokes flights of speculative color and geometry that bring to the canvases a brave, unpredictable energy.

No artist has ever paid closer attention to the rival claims of a variety of ways of seeing than Georges Seurat. And there may be no more persuasive exposition of his restless pursuit of the essence of sight than is found in the dozens of preparatory oil studies and drawings that form the core of "Seurat and the Making of *La Grande Jatte*," which is at the Art Institute of Chicago through September 19. In his shockingly brief life—he was thirty-one when he died in 1891—Seurat delved deeply into the wonderful unpredictability of sight and the dream of finding an overarching or underlying order that might finally explain the nature of seeing. And in the studies for *A Sunday on La Grande Jatte*, the roughly six-and-a-half-by-ten-foot canvas in which he immortalized the leisure-time experience of ordinary Parisians in the mid-1880s, he went in so many generally parallel but also somewhat divergent directions that museumgoers can become intimately acquainted with the man's vigorous explorations. In the oil studies he embraced voluptuous Impressionist brushwork and the fusion of forms in large areas of color, while emphasizing in some of the drawings a taste for absolutes of light and dark and vehemently distinctive profiles.

In *La Grande Jatte*, a young painter re-frames an old-fashioned, grand-manner style in contemporary terms. The scene is the banks of the Seine in the suburbs of Paris, and the cast of characters reflects a rapidly changing urban situation, for Seurat found many of his actors and actresses among the working people who were developing a taste for middle-class pleasures. They promenade in their fine clothes, they talk to their friends, they look out at the shimmering Seine. In the gorgeous formality of the completed composition Seurat's contemporaries saw echoes of Puvis de Chavannes's classicism and of the hieratic elegance of Old Kingdom Egyptian paintings and bas-relief. Yet Seurat's painting, far from suggesting the consistent story or moral that

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many expect to find in traditional figure compositions, owes its meaning to an extended gathering of singular apprehensions and discoveries—the look of certain figures, the nature of the landscape, the relation of figures to spaces, of color to color, of dark to light.

The sense of melancholy or isolation that has often been observed in Seurat's painting is only a part of the story. His figures—who often stand or sit close together, so that some degree of intimacy is implied—are saturated in an atmosphere full of wit, elegance, mystery, and surprise. In Seurat's drawings and oil sketches, we observe a wide variety of meanings growing out of the very act of seeing. Sometimes the enigma of personality is lodged in the muffling of features that is an effect of distance. At other times the strong light behind and around a figure turns a person's profile into an image with a talismanic power. One feels that as Seurat worked on his drawings, wondering how dark to make the dark of a profile, he was also wondering, "Whose profile is this?" And, perhaps, "What does a profile tell us?" Here perception segues into metaphysics. The blues and greens that suffuse the scene suggest an idea of wholeness that Seurat's famous dots and dashes of paint confound, for this atomization of color in turn bespeaks division, breakdown, a perpetual principle of conflict.

We have to remind ourselves constantly that *La Grande Jatte*, which Seurat began in 1884 and first exhibited in 1886, is the work of a man in his mid-twenties. Perhaps if Seurat had not died suddenly of diphtheria a few years later, we would accept the painting, with all its originality of conception and seamless realization, as a dazzling opening statement, like Michelangelo's *David*. As it is, *La Grande Jatte*, along with the masterworks that Seurat created in his last few years—including *Circus Sideshow*, *Cahut*, *Circus*, and a series of landscapes—have to carry within their relatively small compass the weight of an entire life's experience. As with Mozart and Keats, so with Seurat: the density of the achievement confounds the short span of the years. It is as if these artists had been born with the knowledge that they had no time to indulge in the messy explorations that longer-lived artists could afford. There is something Mozartean in the way that the precision of Seurat's technique enables him to embrace a range of emotions with superhuman speed.

II.

LA GRANDE JATTE HAS BEEN in the collection of the Art Institute of Chicago for about eighty years, and there may be no European painting in an American museum that has come to be regarded as so essential a part of the cultural institution that is its home. Chicago's enthusiastic embrace of Seurat's masterwork reflects something more than the pride of Americans in a trophy that was snatched from an Old World still reluctant to embrace the new, for although this legendary painting and this great cultural institution are products of two different continents, the forces that produced them were not entirely unrelated. Seurat was working on *La Grande Jatte* in the very years that Chicago's great museum was established, and if the Art Institute was one of those late nineteenth-century American enterprises that were meant to give civilization's highest artistic achievements a place in a democratic society, so Seurat's *La Grande Jatte* is a painting in which the worldview of the middle class is presented as a theme with some of the grandeur and complexity that we know from the masterpieces of earlier ages.

COURTESY ART INSTITUTE OF CHICAGO

GEORGES SEURAT, study for *La Grande Jatte*, 1884

Like the museum that has been its home for two-thirds of its life, *La Grande Jatte* was born at a time when many people believed that art's oldest aristocratic aspirations could be re-imagined in the context of a vibrant democratic civilization. In an essay in the exhibition catalogue, the cultural historian Neil Harris lays out some of this social history in rich detail. He observes that the Midwestern public at times regarded Seurat's work with less than complete enthusiasm, and points to a contest in 1934, co-sponsored by the *Chicago Daily News* and the Art Institute, which found that the most popular painting in America was the Art Institute's saccharine *The Song of the Lark*, by Jules Breton, with Seurat's great picture not even in the running. Harris suggests that the museum let it be known that the French government had offered more than $400,000 to buy back Seurat's work as part of a campaign to encourage Chicagoans to recognize what they had in their midst. And yet whatever the bumpy moments in Chicago's love affair with *La Grande Jatte*, this is a story of democratic culture triumphant. For the Chicago muralist Frederic Clay Bartlett, the son of a local millionaire, who bought the painting, and for the museum staff who gave it so central a place at the Art Institute, the issue was never whether Seurat's was the most famous or the most popular painting, but that it was a profoundly complicated work—a challenge to which the Chicago public could rise, a modern monument that could make people recognize what great art was all about.

"Seurat and the Making of *La Grande Jatte*" is the latest salute to the museum's crown jewel, and while the show's strengths do honor to the painting and to the city, the exhibition is very, very far from being an unadulterated success. Its failures speak volumes about what the people who run today's museums think the public wants—and how, perhaps, in

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the eighty years since *La Grande Jatte* came into the museum's collection, the people in charge at the Art Institute have shrunk their assumptions about what the public can absorb. A transcendent medium-sized exhibition has been nearly ruined by the museum's insistence on producing a multimedia extravaganza.

THIS IS ONE OF THE STRANGEST shows that I have ever seen. Each time Seurat pulled me into his miraculously nuanced world, I was yanked out of it by some museological horror. Near the beginning there is a darkened video gallery, where nineteenth-century color theory is summarized with graphic techniques reminiscent of a moderately hip 1960s ad campaign. There is a poorly shaped presentation of Impressionist crowd-pleasers by Renoir and Monet. There are two more video galleries, where museumgoers are invited to watch as the camera glides over the surface of *La Grande Jatte* or zooms in for close-ups. There is a mural-sized photo reproduction of Seurat's *Bathing Place, Asnières,* and another photo mural, a montage of Seurat's sources in high art and low art, all overlapped as if on a website. There is a computer simulation of what the colors in *La Grand Jatte* looked like before an unstable yellow pigment that Seurat used had changed color. And the studies for *La Grande Jatte*, along with the painting itself, are presented in a room decked out with curvilinear walls, a sort of post-modern merry-go-round that nobody in their right mind would inflict on Seurat's supreme study in the possibilities of frontality and rectilinearity.

How things went so wrong is not easy to say. The catalogue is basically the work of Robert L. Herbert, a commanding figure in the study of Seurat, and the great exhibition at the core of this shambles of a show seems to reflect Herbert's exacting vision. The exhibition ought to have been arranged in four galleries: a first room, with pre–*La Grand Jatte* work by Seurat and a few paintings by Renoir and Monet to indicate how his technique built on theirs; a gallery of oil studies and drawings for *La Grand Jatte*; another gallery devoted to more studies as well as to the painting itself; and a final room with later drawings and paintings by Seurat plus a few works by Pissarro and Signac to suggest the influence of the Pointillist technique. But in place of such a show—which would have been sparkling, revelatory, precise—we are given sprawl and confusion.

As I understand it, Herbert was not actually involved with the installation of the show. Gloria Groom and Douglas W. Druick—the curators of nineteenth-century painting at the Art Institute who, while they wrote little in the catalogue, actually made the exhibition a reality—are serious and highly respected figures who clearly love Seurat. But they were unable or unwilling to say no to the kind of hucksterism that museum administrators now mistake for a respect for the public—even in Chicago, a city that can boast one of the most astute museum-going audiences in the country. In today's museums, the heartfelt desire of curators and scholars to make it possible for the public to see what they have seen is almost invariably pitted against the deeply irresponsible and often entirely inaccurate assessments of marketing know-it-alls, who for some reason imagine that museumgoers fear the kind of direct, unmediated experience of art that draws them to a great collection in the first place.

The video screens, the digitalized rehashings of the painting, the photo murals, the jazzed-up gallery architecture, and the inclusion of what are believed to be easy-looking interludes of Renoir and Monet: all this is meant to make visitors feel at home. You go to the museum and discover that you could just as well have booted up your Mac, played around in Photoshop, browsed through the *Masterpieces of Impressionism* book on the coffee table, and gone out for lunch at that cool restaurant with the curvy walls. Doesn't it ever occur to the men and women who run museums that when people who come to a museum to see paintings and drawings by Seurat are confronted by all these videoed and digitalized versions and analyses of Seurats, they may ultimately conclude that they could just as well have stayed at home and gazed at reproductions?

A great chance to educate the public has been botched in Chicago. For Seurat's studies for *La Grande Jatte*, seen in such dazzling profusion, tell a story of the workings of the imagination that anybody can understand without audio-visual assistance. The one thing that the Art Institute has been wise to include is an eight-and-a-half-by-eleven sheet of paper, a handout that is available as you enter the crucial phase of the show, which contains a reproduction of *La Grande Jatte* and a brief explanation of the way that the studies for the painting have been grouped in order to reflect, as best we can understand, the stages of Seurat's thinking. Walking around with this information sheet, people can begin to grasp Seurat's strenuous process of trial and error, and his arrival at the riveting vision of the final painting. One morning, I saw a woman and what I expect was her second- or third-grade daughter making their way around the room. The girl was picking out the changes, the shifts that Seurat made as he developed and honed his ideas. All it took were her eyes and her native intelligence. She didn't need a movie to help her compare a study of a figure to the figure in the painting, and she didn't need a simulated zoom-in to enable her to look at the texture of Seurat's paint strokes. By looking directly, by seeing things for herself, this girl was taking possession of the painting. The magic of creation is there for all to see, for all to embrace, if only the museum would let people get on with it.

III.

ROBERT HERBERT HAS BEEN studying Seurat for half a century, and to the extent that this exhibition is an unforgettable experience, I suspect it is because the curators who were working with him at the Art Institute respected his wishes. The centrality of drawings all through the show reflects Herbert's lifelong fascination with Seurat's graphic work, beginning with his research in the 1950s, and including an essay in the catalogue of the Seurat retrospective that originated in Chicago in 1958 and went to the Museum of Modern Art in New York, and a book on the drawings that he published in 1962. Herbert is one of a line of art historians, including John Rewald, Robert Goldwater, and Meyer Schapiro, who have brought a literary clarity, a reverence for empirical evidence, and an elegance of mind to the study of this beguilingly enigmatic artist.

In his writing in the catalogue, as well as in the collection of his studies titled simply *Seurat: Drawings and Paintings* (Yale University Press), Herbert evokes the power of the work with a restraint that feels exactly right for Seurat. He is a writer whose words deserve to be savored, as when he observes of a drawing of a woman seen in profile that "her dark silhouette, modulated only by the light that nibbles at the left side of her form,

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rises from the paper like a premonition of the sculpture of Brancusi." And when Herbert remarks, about a drawing of a man with a top hat, that "his wispy features lack substance, as though his reality is to be found only in his expansive body," he begins to suggest the psychological and even the existential dimensions of Seurat's formal decisions. Herbert brings reserves of experience to the immensely difficult questions of exactly how the preparations for *La Grande Jatte* unfolded and what the painting means, and his speculations about the order in which Seurat did his studies and the way the artist's ideas evolved are incisive without being prescriptive. He leaves Seurat's imagination intact; he allows viewers room to speculate.

The place of science in Seurat's art has long been a matter of dispute, and it has been the argument of Schapiro and, more recently, of Herbert that there is more that is intuitive and spontaneous in Seurat's art than the painter himself may at times have cared for his admirers to know. While Seurat embraced the ideas of Chevreul and others about the powerful impact that primary and complementary colors could have, they were constantly modified by considerations that were formal and poetic. The difference in approach between Seurat and the first generation of Impressionists in the 1870s was immense but not absolute. Renoir and Monet were more self-conscious than has sometimes been imagined in their methods of using closely adjacent colors in strong hues to create optical mixes; and Seurat was surely willing to bend or break theory under the pressure of visual experience.

It is well to remember, of course, that the essence of the scientific method is not a rigid faith in theory, but an insistence on the discovery of truth through experimentation. The young artist who emerges in Chicago is above all an experimentalist. When we consider that in his preparations for *La Grande Jatte* Seurat pursued simultaneously an art of pure color in oil studies and an art of black-and-white absolutism in his drawings, we realize that he had the audacity to see the value of both sides of the great European controversy between the values of *disegno*, the art of Florence and Michelangelo and classicism, and *colorito*, the art of Venice and Titian and the Romantics. In the preparations for *La Grande Jatte*, Seurat labored to reconcile the rival claims of color and chiaroscuro. This may not have been what Seurat was thinking about when he wrote, in a sketch for an aesthetic, that "Art is Harmony" and that "Harmony is the analogy of opposites," but few artists have worked so hard to harmonize the opposing visions of Florence and Venice, of classicism and romanticism.

More than a dozen small oil studies related to *La Grande Jatte*, a significant proportion of those that exist, are included in the Art Institute show. These, together with studies for *Bathing Place, Asnières*, Seurat's earlier scene of Parisians at leisure, as well as yet earlier studies, reveal wide variations in chromatic orchestrations and painterly touch. While it is not clear that all these studies were done out-of-doors, they are almost invariably done on panels of a roughly six-by-nine-inch horizontal format that evoke the endless excursions that nineteenth-century painters took to paint directly from nature. Through the flickering animation of his renderings of foliage and water and sky, Seurat recapitulates the immediacy of nature painting from Boudin though the early Renoir and Monet. Looking at these studies, with their tiny figures and light-drenched vistas, we begin to feel that what is timeless and hieratic in *La Grande Jatte* is drawn not so much from art history as from the immediacy of perception.

Herbert wonders whether certain figures, such as a tiny cadet with bright red pants, were done from life or were invented, and perhaps the closest that anybody will ever come to answering this question is that at certain points in the process perception and invention were very closely related. In the three larger oils related to *La Grande Jatte*—one of the landscape, one of the central couple, and the full compositional study now in the Metropolitan in New York—we watch as the notation of ephemeral naturalistic experience is transformed into the stroke that constructs the wall of color that is the very essence of Seurat's pictorial vision. There is a fascinating variety in these larger oil studies. *The Couple*, which focuses on the slim, elegant man and woman at the center of *La Grande Jatte*, is done with a rather dry brush in broad, angled strokes that allow the canvas to show through; it has a boldness of attack that is not quite like anything else in Seurat's work. In the Metropolitan's compositional study, the smaller-scaled brushstrokes still have an Impressionist air of ease, although now it is the spirits of classicism that are being summoned with Seurat's understated painterly magic.

While Seurat surely aimed to construct in *La Grande Jatte* the kind of stand-alone masterpiece that would eclipse all the artist's preparatory studies, it is known that he did exhibit some of the studies during his lifetime, and both those done in oil and the drawings in conté crayon often have the authority of autonomous works. One feels that the tiny figures in the oil sketches, no matter how telescoped, are imbued by Seurat with specific qualities and meanings. Even in Seurat's smallest works, the everyman of Impressionist painting becomes something of a mythological being. The man or woman who stands in the green shade or sits looking out at the water can strike the viewer with the force of an archetypal wanderer or a sphinx whose magical knowledge is locked away behind an immobile profile. A large drawing for the whole landscape of *La Grande Jatte* is bereft of figures, but contains, in the foreground, a dog sniffing at the ground, and the animal complicates the image, gives it a whispering narrative power. When Seurat studies the landscape that is the stage for his grand figure composition, one feels that he is also fascinated by the idea of the empty stage as having a dramatic value in and of itself. And in the dozens of studies of individual men and women, mostly in conté crayon, Seurat creates a portrait gallery in which each subject is granted a particular iconographical mystery.

It has often been observed that Seurat's interest in the lives of the lower classes and in Parisian entertainments parallels the writing of naturalists such as the Goncourt brothers. In his conté crayon studies, Seurat seems to be drawing certain figures into being with an eye for the revelatory detail that recalls the way that many great nineteenth-century novelists developed their supporting casts. There are interludes in which Seurat uses the knife-edge of shameless comedy as he points up the petty vanities and illusions of the Parisian crowd dressed in its Sunday best. This is not surprising, for the austerity of his graphic style was in part derived from the down-and-dirty satirical work of Daumier and Goya, much as Proust—who is also sometimes presented with excessive piety, as an idol to set upon the altar of art—drew some of his view of the human comedy from Dickens.

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Seurat's drawings are a climactic achievement in Western art, and taken together the studies for *La Grande Jatte* are perhaps even more miraculous than the painting itself. Working the soft, oily conté crayon against thick, textured paper so that his darks take on a variegated, mottled luxuriance, Seurat found a way to create, almost from the beginning of his career, arrangements of velvety forms that have unforgettably distinct shapes but no precise edges. The result is a reimagining of graphic art that is at once deeply eccentric and radically apposite, for if drawing is the art of the line, it is confounded by these studies that are almost all tone. The simplifications of fashion illustrations and the stylizations of Old Kingdom Egyptian tombs, all recognized as sources of Seurat's graphic experimentation, are never evoked directly in these drawings, but rather are rediscovered, amid the quivering animation of direct experience, as imperatives that inform convention.

Seurat was a great admirer of Vermeer, who found his truth in the particulars. Such a model might seem a danger for a Classicist, except that for Seurat the only truth that was worth discovering was the one that you discovered for yourself. Seurat uncovered the lucidity at the core of modern life's confusions—and it always involved a slightly uneasy or insecure kind of balance, a delicate balance. In Seurat's drawings classicism becomes a modern speculative process. His studies of a woman's hat or of the bustle on her dress, in which he seeks the few silvery shapes that will forever define the form, are a search for absolutes of beauty amid fashion's most ephemeral effects. As Seurat lingers over a Parisian's ready-to-wear costume, he is pushing his grays into combinations that come as close as anything in the graphic arts to suggesting celestial harmonies.

IV.

LARGE FIGURE COMPOSITIONS cry out for interpretation, and surely *La Grande Jatte* is one of the most analyzed works in the modern canon. It has been said to reflect the impersonality of modern life, an antiutopia; the large woman in profile has been described as a prostitute; and there have been disagreements about exactly who some of the male figures are. Robert Herbert is skeptical of many of these interpretations, and suggests that perhaps the most important lesson to be gleaned from all of them is that the painting's implications are multitudinous. Responding to the theories of some of his colleagues, he lets them down easy, wisely ruling that each has recognized some small part of the truth. Herbert understands that the multiplication of incident in *La Grande Jatte*—the many figures, each caught in his or her own daydream—keeps things complex, and he sees here an atmosphere pervaded by a kind of irony, not an acidic or nihilistic irony, but a constant play or questioning of possibilities. This is the kind of irony that Adam Zagajewski describes, in his essay "A Defense of Ardor," as "like the windows and doors without which our buildings would be solid monuments, not habitable spaces." This irony gives Seurat's rigorous formal design its openness, its liveliness, its wit.

While there is, as is invariably pointed out, something mechanical and impersonal about Seurat's figures, their geometric simplicity also speaks to an aspect of our pleasure in being in the world—to the blunt physical authority that we experience as we walk down the street, to the sense that each of us has of being a relatively uncomplicated able-bodied structure that holds a place in the world. Seurat's figures are not just cogs in a machine; they command their space, they make their space. And if their relationship to the world is anything but simple, it finally suggests the complexities and the ambiguities of a modern pastoral, the renewal of an ancient and fluid theme that embraces the hard work of Hesiod's *Works and Days*, the tragic recognitions of Poussin's *Et In Arcadia Ego*, as well as the yearning for an almost unthinking sense of unity with the natural world.

La Grande Jatte is an essay in the grand manner and its discontents. I believe that there are paintings by Seurat that are greater; the much smaller *Circus Sideshow*, his vision of the entrance to a small circus seen at dusk, is as heroically inevitable a composition and one that feels, at least to me, more deeply knit together, more profoundly felt. But *La Grande Jatte*, especially when seen surrounded by all the studies, has a boldness of ambition and an internal complexity that plunges us deep into the hopes and the anxieties of the fin-de-siècle that was the anteroom of the world as we know it. This is an essential avowal of the modern imagination, the work of a man who wanted to unite art and society, tradition and modernity, and aimed to do so with an audacity that maybe only a young man could really muster. So it is no surprise that often, when artists have dreamed of making something enduring of the world around them, they have turned to *La Grande Jatte*—from Nadelman in his wooden sculptures of New Yorkers of the 1920s to Balthus in his *Passage du Commerce Saint-André*, the vision of Left Bank life in the 1950s that builds so persuasively on Seurat's view of urban experience.

This exhibition will not be seen anywhere but in Chicago, since *La Grande Jatte*, which is in delicate condition, has not traveled since 1958. I do wish that a smaller show, including all the studies for *La Grande Jatte*, could have moved from Chicago to New York: taken together, even without the crowning canvas in their midst, these studies constitute an exhibition that would have emboldened the best artists working on the East Coast. Contemporary artists, in their desire to make sense at once of the past and the present, are sometimes all too quick to imagine that tradition has a logic that they can penetrate in an orderly way—that there is some simple equation that will enable them to unite the old and the new. The young man who worked at all those studies for *La Grande Jatte* may have claimed that he was looking for a logical method, but in fact he eschewed predictable equations and understood that it was only through a profoundly empirical process that tradition and modernity would ultimately be joined. He appreciated the sparkle of light on water as well as the formality of ancient art; he understood the importance of a full blast of color as well as the austerity of black and white. And there is a lesson to be discovered in his insistence on going in several directions—sometimes almost simultaneously.

The union of tradition and modernity was not a program that Seurat laid out in *La Grande Jatte* so much as it was an effect of the imagination that quite simply had to be seen to be believed. Robert Herbert has observed that Seurat is "one of those rare artists who make conservatism into a vehicle for revolutionary change." Those words land with a particular force right now, for a revolutionary conservative—a conservative who is open-minded and forthright and unafraid of new experiences—is probably the only kind of artist who can any longer make a difference. ■

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Jackson Lears

America the Exceptional

How the press became the media.

THE CREATION OF THE MEDIA: THE POLITICAL ORIGINS OF MODERN COMMUNICATIONS
By Paul Starr
(Basic Books, 484 pp., $27.50)

I.

FOR CENTURIES, AMERICANS have been telling themselves that their nation is not like any other. The most influential version of this notion, stretching back to Puritan times, asserts that the United States has a divinely scripted role to play in the sacred drama of world history. This providentialist fantasy has done no end of mischief: serving as a religious sanction for raw power, justifying the export of American ways—by force if necessary—to a recalcitrant world. The current misadventure in Iraq is a recent example. Presenting the United States as God's missionary of freedom, the Bush administration has revived American exceptionalism in a particularly xenophobic and sanctimonious form.

Is the notion of American uniqueness anything more than a delusion of virtuous omnipotence? Does it have a basis in reality? The matter demands a detour into recent intellectual history. There was a time, during the quarter-century after World War II, when the exceptionalist idea had academic legitimacy. The United States was on top of the world in every sense: a prosperous and powerful megastate that had somehow escaped the worst ravages of war and oppressive state rule, preserving a government that was (for all its faults) a fair facsimile of liberal democracy. Historians and social scientists (some of them émigrés from totalitarian regimes) posed the exceptionalist question in various forms. The triumphant centrist version was: how had America resisted the temptation of totalitarian ideologies? The disappointed leftist version was: why had an advanced capitalist society not produced a flourishing socialist movement? Whether they deplored the absence of genuine economic debate or celebrated the "pragmatic" avoidance of it, whether they deployed the narratives of Marx or of modernization, exceptionalist interpretations described a common set of American conditions—ethnic diversity, abundant opportunity, widespread prosperity, the lack (or the concealment) of class-consciousness, the promises (or the seductions) of advertising, the absence of a feudal tradition, the deep strains of individualism and pragmatism. Taken together, they were supposed to provide an answer to the recurring question: why is America so ... *different*?

But by the 1970s, the question had come to seem stale and formulaic. The uniqueness of American prosperity, power, and pragmatism; the vigor of its capitalist consensus: such supposedly long-standing conditions looked more and more like the products of a particular postwar moment. Historians began to think that the exceptionalist argument was misconceived: the political landscape had never been as monochromatically classless as it had seemed to centrist intellectuals at mid-century; and America had in fact produced a popular socialist movement (though its leaders were more likely to use the idioms of Social Gospel Christianity than the slogans of socialist revolution); and subsequent Progressive attempts to tame laissez-faire capitalism had indeed required the import of European ideas. In short, the United States was hardly as exceptional as its nationalist devotees (and its socialist critics) claimed.

If there was anything peculiarly American about American political culture, it was not laissez-faire individualism, but the effort to combine economic freedom for the individual with a larger commitment to the commonweal—or what the republican tradition, dating back to the Revolutionary era, called the public good. The American political economy, and still less American political culture, was never as thoroughly privatized as ideologues of entrepreneurship insisted, and the American marriage of public and private owed much to the country's customs and conditions. This modified exceptionalist argument preserved some real possibilities. Without descending into the miasma of mystical nationalism, one might still claim that there could be something exceptional—even something uniquely admirable—about American institutions.

In recent years, though, scholars have retreated even further from considering the national origins of institutions and traditions. The winds of globalization have swept through conferences and classrooms, swinging wide the doors of scholarly perception, unveiling the fluidity, the malleability, and the portability of national identities. Words such as "diaspora" and "borderlands" have become coin of the professional realm, signifying how difficult it is now—and always has been—to maintain fixed ethnic, cultural, or political boundaries in a world of displaced persons, restless immigrants, and forced or chosen mass migrations. This ferment has enriched historical thought and taken us far beyond glib assertions about national character, with respect to the United States or any other country. Unlike politicians, historians and social scientists have largely discarded the old exceptionalist framework, and often with good reason.

But this cannot be the whole story. There is that sensible rule about throwing out the baby with the bathwater. The career of exceptionalism is not over, nor should it be. The inattention to national boundaries has unfortunately reinforced a tendency to neglect political history, one area where a comparative perspective might reveal a characteristically (if not uniquely) American blend of public and private concerns. That is one reason Paul Starr's book is so welcome. *The Creation of the Media* is a remarkable achievement—a comprehensive trans-Atlantic account of the rise of mass communications: postal services, newspapers, the telegraph, the telephone, film, and radio. It is also an exceptionalist account, which shows in convincing detail how the decentralized American mix of public and private differed from the statist approaches of Great Britain, France, and Germany—and how that difference underwrote the leadership of the United States in the spread of mass media. But unlike other exceptionalist narratives, Starr's book is not a simple tale of triumph. His argument is subtle and qualified, and shrewdly ambivalent in its dénouement.

Jackson Lears is editor of RARITAN *and author, most recently, of* SOMETHING FOR NOTHING: LUCK IN AMERICA *(Viking/Penguin).*

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Abandoning Gaza

Would Israel's withdrawal from Gaza lead to peace?

Prime Minister Sharon of Israel, under enormous pressure by the U.S. government to "do something," has agreed to vacate Israeli settlements in Gaza, together with certain settlements in Samaria (the northern "West Bank"), in hopes that this might lead to an end of the bloody Arab/Israeli conflict. Perhaps not too surprisingly, Mr. Sharon's own Likud party has overwhelmingly rejected the plan. But that is certainly not the end of it. It is bound to be resurrected.

What are the facts?

A brief history. The primary error is that Gaza belongs to its mostly Arab inhabitants. Gaza, which had previously been a province of the Ottoman Empire, became after the First World War part of the British Mandate of Palestine. In 1947, the U.N proposed to partition Palestine into Jewish and Arab sectors. The Jews accepted the partition– the Arabs rejected it out of hand, and in 1948, on the very day of Israel's founding, five Arab armies invaded the nascent Jewish state. Miraculously, the ragtag Jewish forces defeated the combined Arab might. But after that war, Jordan remained in occupation of the "West Bank" and the eastern part of Jerusalem. Egypt stayed in control of the Gaza strip. It remained there until after the Six-Day War of 1967, when, in one of the most astonishing actions in military history, Israel once again defeated the combined Arab might. At the end of that brief but decisive conflict, Israel found itself in possession of all of the areas that the Arabs had previously occupied, including the Gaza strip. After it assumed administration of the Strip in 1967, Israel made every effort to improve the life of the Gazans, and to provide decent housing and infrastructure. All such efforts were rebuffed by the Arabs, who preferred keeping the Gazans in miserable "refugee camps," where they would fester in squalor for over fifty years, dreaming of bloody vengeance against Israel.

> "A better idea: ...move all Jews from Gaza and even from the 'West Bank,' and repatriate them to 'Israel proper.' But at the same time, evacuate all Arabs from Israel and resettle them...wherever they might want to go."

A very poor plan. If Jewish "settlements" in Gaza were to be abandoned, it would be understood as a victory for terrorism. Inevitably, if Israeli settlers and the Israeli military were to leave the area, the terror emanating from Gaza would increase, the violence would explode. The Gaza terrorists, no longer restrained by the Israeli military, would launch hundreds more rockets, missiles and mortar rounds into Israel. Short of blanketing the area with massive artillery and air strikes, which would cause tens of thousands of deaths (and which the world would not allow to happen), Israel would stand defenseless against such onslaughts.

In proposing the abandonment of Gaza by its approximately 7,500 Jewish inhabitants, who, in stark contrast to the Arabs surrounding them, have created prosperous communities, industries and agriculture in the area, there is nothing at all that the Israelis are expected to receive for such an enormous sacrifice. There isn't even a promise – though it would in any case be quite meaningless – to abstain from violence. In accepting a plan to vacate Gaza, Israel would effectively relinquish the right of its citizens to live anywhere they wish in the land of Israel. Such right is unquestioningly granted to the Arabs. They live in Gaza, of course, and in the "West Bank". Over one million of them live in Israel proper, where they have equal rights with the Jews and enjoy all benefits of citizenship.

The plan for the Jewish inhabitants to vacate Gaza is a thoroughly bad one. It would acknowledge that, in order to be acceptable to the Arabs, Gaza had to be "judenrein" – free of Jews – a concept invented by the Nazis. It would reward terror and would be understood as a sign of weakness. It would leave the Arabs at complete liberty to import the most destructive weapons through their port and their airport. Nobody doubts that they would do just that. It would not bring the solution to the Arab/Israeli conflict one step closer – on the contrary, it would exacerbate it and very likely result in full-fledged war, quite possibly involving weapons of mass destruction.

But here's a better idea: Yes, move all Jews from Gaza and even from those parts of the "West Bank," that might eventually be ceded to form an autonomous Arab entity and repatriate them to "Israel proper." But at the same time, evacuate all Arabs from Israel and resettle them in Gaza, the "West Bank," or wherever they might want to go. Such exchange of populations would be drastic, but certainly not unprecedented. The vast exchange of Muslims and non-Muslims on the Indian subcontinent, though accompanied by much bloodshed, is perhaps the best and ultimately most successful example of such population exchange.

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II.

MOST POPULAR ACCOUNTS OF the rise of mass media are a bland mishmash of technological determinism and free-market fundamentalism. If policymakers appear on the scene, they are pawns in the grip of abstract "forces" or bureaucrats distracting inventors from their visionary work. Starr rescues these important historical actors from those demeaning and inaccurate roles by emphasizing "the political origins of modern communications." As this subtitle indicates, his book plays multiple variations on a single theme: the primacy of public policy. This is not a fashionable argument in these privatized times, but it is a forceful one; and in deploying it, Starr demonstrates that there was nothing inevitable about the development of the media, in the United States or elsewhere. The structure of modern mass communications reflected policy decisions that could (and can) be reversed or redirected.

Starr's emphasis on public choice is evident from the outset, when he asserts that "the United States has followed a distinctive path in communications ever since the American Revolution," naming a political event as the origin of American distinction. To be sure, a part of America's peculiarity was owed to circumstances beyond its leaders' control—the absence of guilds and other feudal restraints on commerce; geopolitical isolation from European squabbles; a continental orientation that encouraged the creation of nationwide networks. But the American path also stemmed from political choices that reflected the founding generations' republican commitments—not simply to a decentralized free press, but also to a strong public sphere populated by an informed citizenry. This positive conception of liberty encouraged the (limited) use of state power to promote communications: cheap postal rates, postal privacy, public education, and widespread literacy, as well as widely published constitutions and minutes of legislative meetings. It took more than a "marketplace of ideas" to make a democratic public sphere, which is what nineteenth-century Americans could fairly claim to inhabit, at least if they were white males. Despite its obvious limitations, this was truly an exceptional American achievement.

Yet even apart from its systematic exclusions and its failure to resolve the disagreements that led to civil war, the nineteenth-century public sphere harbored subtler difficulties that could undermine its vigor over time, as Starr makes clear. Market pressures encouraged publishers to push the boundaries of respectability by courting a mass audience with cheap thrills and *sotto voce* advice on birth control and abortion. This provoked a phobic reaction among moral reformers, who set about protecting ordinary people from their baser selves by restricting popular access to printed matter—a characteristically American threat to press freedom. More diffuse but equally significant was the limitation posed by the preference of American readers for action over understanding, information over knowledge. This, Starr suggests, led to a fragmented political culture, dominated by disconnected facts rather than coherent interpretations.

But perhaps the most serious threat to a democratic public sphere was the rise of monopoly media power. The problem of monopoly first became apparent in the 1880s, when Western Union gained control over the telegraph industry and the Associated Press took over the wire-service transmission of news. The threat of systematically standardized opinion began to trouble defenders of public debate. In subsequent decades, this danger has been only fitfully addressed. To be sure, unprecedented concentrations of media power provoked new strategies to protect the commonweal: antitrust laws, government regulations. But the specter of monopoly would not depart so easily, despite decades of litigation and gestures toward exorcism such as the Fairness Doctrine (1949–1987) or the prohibition on "legacy" monopolies. (Unlike European firms, American corporations, no matter how great their monopoly power in the current generation of technology, were denied it in the next: Western Union did not acquire control of the telephone business, nor did Bell Telephone control the radio business, and so on.)

Starr ends this volume in 1941, on the cusp of the rise of television and the creation of the most powerful corporate combinations in media history. But even at that early date, he sees cause for concern: "The continuing transformation of communication has created new hierarchies of private power and put at risk some of the political aspirations that originally helped to set the process in motion." Or, as Emerson once remarked, every spirit builds its own house, but afterward the house confines the spirit. The rise of media monopolies endangered the democracy that had encouraged them to develop.

By the 1930s, Starr argues, the shift from press to media had already begun to imperil the Founders' republican rationale for a free press—the need for open debate among an informed citizenry. The ascendance of film and broadcast journalism over print raised entry-level costs for entrepreneurs. This created opportunities for large corporations to squeeze small operators, grasp the ring of monopoly power, and sustain profits by selling air time to advertising agencies—who standardized the entertainment and "news" to provide the most effective vehicle for whatever product they were selling. Even before the rise of television, mass media had become primarily instruments of marketing.

Starr knows that it is hardly "nostalgia" to point out that this is not what the framers of the Constitution had in mind. To be sure, the mix of public and private had always allowed the possibility of corruption. When competitive advantage was politically based, cronyism could flourish and wealth could accumulate in the hands of a few. But the modern corporation raised this hierarchical tendency to heights undreamt of by the founders of the republic. It is delusional to pretend that the lumbering behemoths of the contemporary media industry have preserved any of the old republican concern for an educated citizenry. As Starr writes, "History is no place for a complacent triumphalism about American technology and interests, especially if the original grounds of policy are forgotten." His great accomplishment is to recover those grounds and to remind us that their disappearance is by no means inevitable. A democratic public sphere was created by political choices and it can be re-made by them—if enough of us can remember what was genuinely exceptional about America in the first place.

III.

STARR'S ACCOUNT BEGINS IN seventeenth-century London and Paris, with the rise of the postal service as a part of the public sphere, the proliferation of print, and the emergence of publishing as an arm of the state. Early newspapers were mostly licensed court gazettes, faithfully serving the government in power by offering foreign news, but restricting coverage of local events to "the lurid, strange, or

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miraculous." Yet as English parliamentary politics became more competitive in the later 1600s, opposition newspapers asserted themselves, providing employment for the pens of Defoe and Swift, provoking government Stamp Acts that were meant to make distribution prohibitively expensive. With respect to press freedom, parliamentary Great Britain was ahead of aristocratic France, but both countries were adopting the apparatus of the modern state, seeking to make their populations more "legible" by requiring the use of surnames and compiling census lists for taxation and conscription. The rise of independent journalism played counterpoint to these statist tendencies by promoting a genuine public sphere—an arena for free debate, where government intrusions could be kept at bay.

During the eighteenth century, public spheres emerged on both sides of the Atlantic, including the European continent. (In 1750, the best newspaper in Europe was published in the Netherlands.) "Fragmentation among political elites and competition in the market," Starr observes, "together contributed to breaking up the monopoly of court gazettes and opening up public political debate." Hierarchical rationales for restricting the diffusion of knowledge persisted, and were summarized succinctly by Mandeville: "Should a Horse know as much as a Man, I should not want to be his Rider." Yet British oppositional politics was encouraging a different view: a distrust of social hierarchies and concentrated power, a belief that a free press was a "bulwark of liberty," as John Trenchard and Thomas Gordon announced in *Cato's Letters* in the 1720s.

THE AMERICAN COLONIES PROVED a fertile breeding ground for this sentiment. The reasons were partly structural. Colonial newspapers were typically owned by independent printers, Starr writes, "who were not subordinate, as their counterparts were in Britain, to a powerful class of booksellers." In 1690, the Boston printer and coffeehouse proprietor Benjamin Harris began publishing *Publick Occurrences, both Foreign and Domestic*, which promised to appear monthly and "if any glut of occurrences happen, oftener." Within a few decades there were dozens of competitors. Colonial newspapers often promoted deference to British hierarchy and habits of mind, but even early on there were significant departures. By 1730, colonial governments no longer had even nominal authority to license the newspapers, as the British government did. A few years later, when a newspaperman named John Peter Zenger charged the royal governor of New York with corruption, the jury acquitted him of libel because they were persuaded that Zenger's charges were true. The Zenger verdict departed from English libel law, but its significance was more political than legal. As Starr points out, it "vindicated the idea that the press could serve as a guardian of popular liberty by scrutinizing government."

That idea acquired even greater potency with the coming of the American Revolution. Newspapers led the charge against British imperial policies. Even while the press Anglicized the colonies by celebrating British taste, it also Americanized them by creating a sense of common grievance. The Revolution and its aftermath, in Starr's telling, are the brilliant dawn of a democratic public sphere, with a free press at its center. Indeed, the Revolution established two-way traffic between press and people, making the newspapers a key public venue of discussion during the war and the debate over the Constitution.

According to Starr, the victory of the pro-Constitution Federalists over their anti-Federalist critics released an inexorable tide of democracy. This Whiggish view may come as a surprise to anyone who still thinks the Constitution was aimed at least in part at containing the democratic energies unleashed by the revolution. Starr takes the notion of "popular sovereignty" in *The Federalist Papers* a little too literally; he doesn't catch its rhetorical use as a sleight of hand for dissolving anti-Federalist anxieties about centralized power. (In effect: "Why should the people be worried about the government? The people *are* the government!") Still, he accurately characterizes the Bill of Rights as the outgrowth of popular debate and discussion—of a young and vigorous public sphere.

MOST IMPORTANTLY, STARR recognizes that all the early state constitutions—along with the federal one—saw a free press as a positive promoter of the public good, not merely a neutral marketplace of ideas. This was eighteenth-century republicanism, not nineteenth-century liberalism. And even if popular sovereignty was mostly a rhetorical fiction, it was a useful fiction in certain ways. If the people were to rule, they would need to be informed. This end demanded many means: not only a free press (with cosmopolitan coverage), but also an effective postal service with lots of post offices and post roads, not to mention open sessions of Congress and widely published constitutions. And the people also required literacy, a need met by literate mothers instructing their children and later by public schools. In sum, they needed the whole panoply of services supporting a democratic public sphere. And many of them got what they needed. In the 1790s, even remote country folk in New England villages "read the news" and engaged with national political controversy.

A distinctively American feature of this landscape was a certain measure of privacy. Surveillance of letters was routine in Europe and the American colonies, but not in the new republic. The post office in the United States was not a system to extend state power. Nor was the census. In America, the census was an instrument of public knowledge, not an instrument of government control. (One of its traditional functions in early modern Europe was "to expel all drones out of a commonweale," according to Jean Bodin.) The American census assumed a cooperative rather than a coercive relationship between citizens and the state. The rhetoric of popular sovereignty dissolved any potential conflicts or inequalities of power. This was not mere deception or wordplay; citizens felt involved enough in public decisions that the idea of their own sovereignty did not seem merely a cruel joke. Belief in the political reality of popular sovereignty was crucial to the vitality of the public sphere.

Free speech was also the beneficiary of precedents set in the early republic—not legal precedents (the courts had little to say on the subject) but political prece-

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dents. John Adams and his Federalist Party tried to silence dissent in the 1790s by arresting uncooperative editors (notably Benjamin Franklin Bache of the Philadelphia *Aurora*) and legislating conformity in the Alien and Sedition Acts. But these moves backfired politically, as imprisoned dissidents became popular heroes; and for the next several decades the federal government tended to leave dissenters alone, with the significant exception of slaves or abolitionists. James Madison made no attempt to silence the vociferous Federalist critics of the War of 1812, a policy that survived through the Mexican War in the 1840s. In a rapidly expanding country with a scattered population and undeveloped technologies of communication, the federal government may have been simply making a virtue of necessity. In any case, it would not be too long before free speech would need more protection than mere customary tolerance.

For a while, though, the public sphere benefited from the convergence of popular republican political culture and the spreading desire to make money in the literary marketplace. As Starr notes, the Copyright Act of 1790 and the subsequent judicial interpretations of it "took a restrictive view of intellectual property rights and gave priority to free expression, competition, and the public domain." This was an expression not only of individualism, but also of a desire to promote public knowledge for the commonweal. The anti-monopoly strain in antebellum politics encouraged a restricted view of copyright, while faith in price competition favored cheap print and mass marketing.

Like the copyright laws, the rise of the penny press in the 1830s showed how cultural products were shaped by the effort to reach a commercial audience. The penny press subordinated facts to titillation, seeking profits through circulation and advertising. It epitomized the structure of the modern media, and anticipated some of the contradictions of modern mass culture: the coupling of sentiment and sensation, of family entertainment and the fascination with "the morbid, the criminal, and the erotic." Still, despite the new interest in mass marketing, the public sphere in antebellum America remained loosely organized by comparison to European patterns. There was no government-subsidized newspaper in Washington (as there was in Paris), and the number of local newspapers sustained the model of a village enlightenment rather than a metropolitan monopoly. In Starr's view, decentralization was the key to a democratic public sphere.

IV.

By the middle of the nineteenth century, however, centralizing changes were afoot. One involved the rise of the telegraph. Here, as elsewhere, the political organization of the technology was the key to its impact (rather than some inherent tendency in the technology itself). Samuel F. B. Morse tried hard to get Congress to back his invention. He even offered a piece of the patent rights to the chairman of the House Commerce Committee. Bribery and cajoling eventually paid off: the federal government financed and owned the first telegraph line in the United States, between Baltimore and Washington, in 1844.

But the 1840s were a bad time for public investment in internal improvements. The economy was stagnating, and many canal projects financed with public money failed to produce a return. So instead of directly backing development, the federal government encouraged private capital by creating a permissive legal environment. Entrepreneurs swarmed about the new technology, backed by newspaper and railroad owners, who stood to benefit from it directly. The most successful entrepreneur was Hiram Sibley, who owned a printing and telegraphy company in Rochester that he renamed Western Union in 1854. Sibley adopted what Starr calls a "strategy of absolute conquest" over his rivals, acquiring them or driving them out of business. By 1866, Western Union controlled the national market.

The telegraph monopoly paved the way for a complementary combination in the press. During the 1850s, the largest New York newspapers formed what rivals called the "Associated Press" to provide news by telegraph wire to major daily newspapers throughout the United States. After Western Union established its monopoly, Starr writes, "there developed the first bilateral monopoly" in the United States—a monopoly telegraph in close partnership with a monopoly news service. Telegraphy on the American plan promoted centralization of power and standardization of ideas; it weakened the democratic foundations of the public sphere.

Telegraphy took a different path—and for the first time in Starr's narrative, a more democratic path—on the other side of the Atlantic. While the American government allowed telegraphy to become a privately owned monopoly that primarily served businesses and the wealthy, the British government made telegraphy a publicly owned subsidiary of the postal service, providing (in effect) retail service to the general population. Telegrams became a popular form of communication for ordinary folk, and the telegraph a force for democracy. The British government's postal telegraph wire service, by offering the same rates to all subscribers, equalized the relationship between provincial and metropolitan papers. Western Union, in contrast, strengthened the already powerful papers by giving preferential rates to the Associated Press cartel and refusing to carry any rival wire service.

If the British telegraph underwrote social democracy, its American counterpart sanctioned social darwinism. These outcomes were not determined by "technology" or other abstract forces; nor were they the result of equally abstract traits of national character (English communalism, American individualism, and so on). They were the product of particular policy decisions made by particular people operating within a particular framework of legal and political institutions. And in this case, the exceptionally American approach proved the less democratic one.

Yet Starr tells a different story about the telephone. Western Union's focus on an elite clientele left the mass market open to telephones, which became far more widely dispersed among Americans than among Europeans. Through the 1880s and 1890s, the halting rise of Bell to industry dominance led eventually to the creation of one big system. The Bell System becomes the most stable and benign communications monopoly in Starr's book, a case study for illustrating the fruitful interplay of private and public power under the new managerial conditions of the early twentieth century.

The balancing act surfaced in 1913, in the antitrust settlement between Bell and the federal government. The decision made it more difficult for Bell telephone to make money by acquiring smaller companies but encouraged a new path to profitability by defining research as a deductible business expense. Meanwhile, regulated rates ensured steady, predict-

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able profits. For the next few decades, Bell Laboratories became a fruitful source of technological innovation. Private capital was harnessed to the public good, without sacrificing its own. It was apparently still possible to merge liberal and republican principles.

The logic of centralization was clearer in the corporate economy than in the metropolitan media culture, which was moving toward unprecedented diversity. Between the Civil War and World War I, cities swarmed with strange new immigrants, who babbled in foreign tongues, disported themselves in disreputable amusements, and devoured a bewildering variety of newspapers—from foreign-language weeklies to metropolitan tabloids. And so WASP reformers, led by the Congregational minister Anthony Comstock, aimed to restore moral uniformity by enlisting the post office in a campaign of censorship. Federal power had expanded during the Civil War, including the power to censor the mail (and by implication the press, which depended on the mail for distribution). In 1873, Comstock persuaded Congress to legislate this intrusiveness by passing "An Act for the Suppression of Trade in and Circulation of obscene Literature and Articles of immoral Use." The Comstock Law, like Comstock himself, stayed on the scene for decades, leaving obscenity elastic, undefined, and available as an excuse to curtail press freedom. Apart from a few cranks, no one was willing to challenge the federal government's power to invade privacy in the name of morality, particularly in an era when elites increasingly equated national power with national purity.

Still, as Starr observes, the American public sphere remained extraordinarily vital during the decades before World War I. Though he overlooks the standardizing impact of magazines' growing dependence on national advertising, he makes a convincing case for the persistence of a vibrant democracy. Daily metropolitan newspapers, celebrating diversity with sentimental snapshots of mischievous immigrant children, helped to ease newcomers' transition to literacy and citizenship. Socialist and anarchist publications abounded in small Midwestern towns as well as coastal cities. Many—such as the *Appeal to Reason* of Girard, Kansas—had large national circulations dependent on cheap postal rates and free rural delivery (which began in 1896). Public debate was vigorous. The forces making for diversity were stronger than those creating conformity.

All that changed when the United States entered World War I. Pro-war Progressives saw the war as an opportunity to create the kind of civic culture they had admired in Europe. But chauvinism engulfed civility. Congress led the way: the Espionage Act of 1917 made criticism of the war an act of treason; the Sedition Act of 1918 expanded that definition to include chance remarks. In cosmopolitan cities as well as provincial towns, in universities as well as factories, self-appointed super-patriots bullied socialists and pacifists into silence. The armistice brought no relief from hysterical counter-subversion, as Attorney General A. Mitchell Palmer deported thousands of suspected communists without even the pretense of due process. By 1920, the American public sphere was in a shambles.

"If the war didn't kill you," Orwell wrote, "it was bound to start you thinking." Troubled by wartime hysteria, American intellectuals started thinking about free speech—even Oliver Wendell Holmes Jr., who had never particularly liked the idea. The 1920s marked the birth of modern First Amendment law, beginning with Holmes's opinions in the *Schenk* and *Abrams* cases of 1919. Gently prodded by civil libertarians, Holmes developed the idea that the government had the power to limit free speech only when it constituted a "clear and present danger" to the polity. "Even though Holmes's opinion [in *Abrams*] did not speak for the court," Starr writes, "it marks a break in constitutional interpretation that would transform the free-speech provisions of the First Amendment from what had been, at least to judges, an almost inert text into what Holmes now called a 'sweeping command.'" From then on, protection of free speech would be judicial rather than political.

Holmes's shift was part of a larger one. Stung by the war and its aftermath, American Progressives (notably at this magazine in its early years) took to calling themselves liberals. They developed greater suspicion of "European" statism and greater sensitivity to individual liberty in cultural as well as political matters. The spectacle of whole populations whipped into nationalist frenzy revealed a new threat to the public sphere: propaganda, whether state-sponsored or contracted out (as in Great Britain and the United States) to the advertising industry. Though Starr pays insufficient attention to the role of advertising in fostering fears of conformity, he accurately captures the growing solicitude for self-expression among Walter Lippmann and his contemporaries at The New Republic. Moral policing of print matter became increasingly unfashionable, especially in cities. Mayor Jimmy Walker of New York, announcing that "no woman was ever ruined by a book," helped to defeat the Clean Books Bill in the New York state legislature in 1923. By 1930, literary censorship was more an irritant than a major threat to book publishing.

Yet censorship was alive and well in the movie business—mostly, as Starr explains, because its domination by Jews provoked Christian suspicion. Of course Gentiles, among them Thomas Edison, were involved in the development of the medium. In the early years, the Edison trust aimed to exercise de facto censorship through monopoly, but it was successfully challenged by such Jewish independents as Adolph Zukor. "What they were making belonged entirely to technicians," Zukor said. "What I was talking about was show business." Zukor and other self-made immigrants brought variety and vitality to the new medium, which enjoyed extraordinary latitude in the early going. Before World War I, many films openly addressed class conflict and other controversial issues, contributing to the general vigor of the public sphere in that era.

But the defenders of moral order were poised and ready. In 1915, in the *Mutual Film* case, the Supreme Court declared that the movies were not only "a business pure and simple" and thus unworthy of constitutional protections afforded the press, but were also "capable of evil" through the spread of moral corruption and thus subject to the government's police power. By the 1920s, the growing notoriety of Hollywood had surrounded the movie business with an atmosphere of decadence; and the Jewishness of industry moguls added anti-Semitism to the mix of moral suspicions. When the New York legislature passed a movie censorship law in 1921, industry leaders knew they needed to censor themselves or face state control. They formed the Motion Picture Producers and Distributors of America and

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appointed Will Hays, a Presbyterian Republican, to head it.

During the 1920s, industry self-censorship worked just fine, at least for the industry. Producers voluntarily submitted project synopses to the Hays Office. Between 1924 and 1930, the censors killed 125 of them (out of how many, Starr does not say). Political controversy vanished from the screen and prurience was yoked to bourgeois morality. Profits soared, and a handful of major studios grasped oligopolistic power through vertical integration and block booking (which required local theaters to book all of a studio's output, even the flops). By the end of the decade, though, Catholics and Protestants alike were grumbling about the need for more censorship. The Catholics came up with a Motion Picture Production Code, based on a notion of morally correct entertainment that emphasized sharp, conventional distinctions between right and wrong and respect for law, "natural or human." Hays welcomed the new Code. "The Presbyterian elder became the Catholics' chief ally in reining in the Jewish filmmakers," Starr remarks. But Hays was fitful in his enforcement at first, which is why the movies made between 1930 and 1933 are called "pre-code." Mae West captured the moment perfectly: "I like restraint, if it doesn't go too far." But in 1933 Bishop John Cantwell of Los Angeles sent the banker A. H. Giannini to hint darkly to the filmmakers that they had better shape up or face a mass outbreak of anti-Semitism. The absence of First Amendment protection left film susceptible to censorship in a way that literature was not.

STARR PROVIDES NO COMPARATIVE dimension for American film history, but one suspects there is something characteristically American about this blend of moralism and self-regulation. In Starr's account of radio, by contrast, the comparative pattern is explicit and familiar: government-sponsored edification in Great Britain (or outright government control on the Continent) as opposed to corporate-sponsored entertainment in the United States. If the BBC aimed at uplift, NBC and CBS went downmarket in search of a wider audience. (ABC was not created until 1943.) The story of these networks' rise to dominance reflects the characteristic dependence of media development on public policy. Radio came of age in the 1920s, when government was likely to do business's bidding. Federal policy decisions reinforced the domination of the medium by a few large corporations. The Federal Radio Commission (FRC) favored licensing commercial rather than non-profit stations, and government regulations generally promoted the interests of big, powerful "clear channel" stations—the better to reach remote rural listeners and serve a national audience. Regulators used the rhetoric of consumer access in the service of "natural" monopolies.

There was of course nothing "natural" or "inevitable" about monopolies in broadcast journalism, though government policies had made it seem so. In 1941, though, the Federal Communications Commission (successor to the FRC) had begun to turn antitrust arguments against network radio, declaring it against the public interest for any one network to own more than one station in any one area. Yet despite this attempt to create rivals for NBC and CBS, at this point the tendency toward concentrated power in broadcast media could only be restrained. It was already too late to reverse it.

V.

BY THE TIME STARR ENDS HIS story, a momentous transformation is under way: from press to media, from print to broadcast journalism. The consequences of this change are huge and difficult to sort through. Starr rightly poses the key political question: "Could the mass media do the job that democracy classically assigned to the press—or did the commercially driven media and new techniques of mass persuasion so distort public knowledge and degrade public discussion as to make popular self-government impossible?"

The jury is still out, but the signs are not good. Research yields ambiguous results, but one conclusion is clear: corporate mass media are better at re-affirming existing power relations than at challenging them. As early as the 1940s, the sociologist Paul Lazarsfeld was announcing with great fanfare that radio listeners were not brainwashed by media messages, but merely confirmed in their existing prejudices. This was reassuring news to those who fretted about Americans falling prey to totalitarian temptations; but it was equally reassuring to those who were in power and wanted to hold on to it. And as Starr points out, neither Lazarsfeld nor other media researchers take into account the agenda-setting power of media, their capacity to maintain the boundaries of permissible dissent by simply never giving voice or visibility to certain points of view.

Since the 1920s, with the rise of corporate media supported by national advertising, we have seen a steady narrowing of ideological diversity in the public sphere. The multiple voices of the pre–World War I era have become fewer and fewer; the exceptionally democratic American public sphere has become less exceptional and less democratic. The change is not due to "technology," Starr quite properly insists, but to the consolidation of corporate power over media, and the tightening of the borders of "responsible opinion."

Starr's critique, remember, is based on events before 1941. In the decades since then, centralizing tendencies have accelerated, leaving a handful of multinational corporations more or less in charge of American mass media—and hence of our public sphere as well. In itself, the structural trend toward monopoly ownership promotes no ideology beyond market-research majoritarianism, no politics beyond a fondness for maintaining status

The Boat

It's not what I'd have chosen at this time,
not with the bird's nest scattered on the grate
or the wounded music of the house alarm
coming in waves across darkness and two streets.
This morning, the grass at the sycamore was scorched
and these pages were out of sequence on the desk.
What will it be tonight: a small boat lightly edging home
to be met by faces in half-light at the port?
I will know it as the one I have arranged
and must soften with quilts and coats,
make sure you have food to last and an address.
I will push the boat to sea when the oarsman nods.
Wait for me. I have only this to finish.

VONA GROARKE

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quo power relations, no economics beyond a desire to satisfy stockholders. The banality and the complacency of this worldview have permeated our public sphere, sanctioning trivialization, transforming political language into soundbites, slogans, and psychobabble. Inarticulacy has become a political asset, as our president demonstrates daily. The mush served up by the mainstream press—the blend of local expertise and Beltway sentimentality and conventional wisdom epitomized, say, by a David Broder column—creates a world where "partisanship" and "negative campaigning" are considered bad form.

But blandness is not the only diversion available. Tabloid media offer other alternatives to the gray world of policy debate. They provide relief from boredom for people who want to scream or be screamed at, but their impact on the public sphere is anything but benign, and it is not simply a matter of confusing rhetoric with rant. Tabloids promote a right-wing populism (or pseudopopulism) that redefines class in cultural terms, redirecting populist resentment from rich Republicans with rifles to "latte-sipping liberals." While it is perfectly congenial with the interests of multinational media monopolies, this ideology has a larger significance: it has pushed the fulcrum of public debate sharply to the right during the last twenty-five years—ever since the ascension of the now-sainted Ronald Reagan, the pioneer pseudopopulist whose mastery of the mass media continues from the grave. The spread of this faux populism helps to explain how working-class voters might be persuaded to vote for Republican policies that threaten their own economic interest and sometimes their economic survival.

THE PUBLIC SPHERE, IN SHORT, is in a mess, and the situation has only worsened since September 11. The Bush administration's revival of providentialist cant, the supine posture of the media, the indifference of the American population to widely publicized factual evidence (60 percent of Americans still believe there was a link between Saddam Hussein and Al Qaeda): none of these developments inspires confidence in the vigor of our "national conversation." Nor does the awful reign of the current FCC chairman, Michael Powell, who seems equally devoted to monopoly and Comstockery. What does inspire hope is the recent appearance of an opposition, and not merely in the Democratic Party.

The Bush administration, in its clumsy attempt to bully Americans into line, has inflamed popular outrage that is expressing itself in various ways: the widespread protest against Powell's policies, a protest that cuts across party lines and has even stirred the somnolent Congress; the unexpected flood of contributions to the Kerry campaign; the crowds at *Fahrenheit 9/11* and the controversy it has provoked (however one evaluates the film itself); the expanding influence of MoveOn.org and similar anti-Bush organizations on the Internet (itself a new technology with untested and easily exaggerated but still genuine democratic promise). Of course there are problems as well as possibilities in this new ferment. Seeking alternatives to centrist techno-speak, some opposition ideologues may end up mirroring the demagoguery of the party that they reject. The specters of paranoia and self-righteousness haunt the left as well as the right.

Still, the grounds for hope are real. The emergence of rancorous debate over the Iraq war and other key questions is not a lapse from "bipartisanship," it is an encouraging sign of life in what had been a moribund marketplace of opinions. Americans have once again recognized that silence is not a form of civic virtue, and that acquiescence in official mendacity is a betrayal of patriotism. So it may be that our citizenry will somehow be provoked into reviving America's most exceptional political accomplishment, a democratic public sphere. But the odds are long: that accomplishment has been as elusive as it is exceptional. ■

CORRESPONDENCE

Continued from page 4

eternally condemned. Given the starvation that parents endured, meals could be complicated if children left food uneaten. The list goes on and on, all of it far from easy for a youngster of any age to grapple with.

True, we, the children, are not "primary in this dark story." But we share a real consciousness—not a "false consciousness" based on vicarious experience, as Franklin suggests. This positive consciousness of the Holocaust is translated in many cases into action, not merely into self-reflection. The second generation is disproportionately represented among the activists and leaders in Jewish life, both here and in Israel. The knowledge, emotional freight, and responsibility carried by the children is hardly negligible, especially as aging survivors seek to ensure that their history will not be forgotten after their deaths.

DAVID A. HARRIS
Executive Director
American Jewish Committee
New York, New York

RUTH FRANKLIN RESPONDS:
My article did not lump all writers who are children of Holocaust survivors into a single group: I named several, among them Art Spiegelman and Carl Friedman, who portray the peculiar tensions of the "survivor family," as David A. Harris aptly calls it, with sensitivity and profundity. Nevertheless, one of the books I reviewed was an anthology, edited by Melvin Jules Bukiet (the unnamed writer to whom Thane Rosenbaum refers), of second-generation literature, in which most of the writers I discussed appeared. If Rosenbaum did not want to be associated with Bukiet, he should not have allowed his story to appear in the book. (Incidentally, Rosenbaum's suggestion that I am unfamiliar with his work is disingenuous: This constitutes our third public dialogue on topics relating to Jewish literature and culture.)

But Rosenbaum in fact agrees with Bukiet's central claim: As he states here, the children of Holocaust survivors belong to "an exclusive club" and are "entitled to a special voice" regarding "the post-Holocaust experience." "Had the Nazis succeeded, these writers would never have been born," he writes. This is typical of the single-mindedness that my piece criticized: In their relentless trumpeting of their own grievances, these writers have become unforgivably distracted from the true sufferers of the Nazis' persecution. This is not to deny that there is something uniquely strange and painful about being the child of a Holocaust survivor, which Harris's anecdotes amply demonstrate. It also is not to deny the Holocaust itself—a comparison that is outrageous and insulting. But, coming from a writer who used the phrase "second-hand smoke" apparently without irony as the title for a novel about a survivor family, such lack of nuance is hardly surprising. ■

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CAPE COD DIARIST

Alter Girl

I GAVE UP THE HOMOSEXUAL lifestyle four years ago. That day, my girlfriend and I went from club to club in Moscow, drinking and dancing until we nearly dropped, then walked home at sunrise. The next day, we flew to a court hearing in Kaliningrad, where I was declared the legal mother of a three-year-old boy who had been given up at birth. Then we flew home to Moscow to find that our neighbors, whom we had never met, had decorated our door with balloons. They all came by to say something kind or to bring something for our new child. Then we spent a lot of time drawing, reading, lacing, cutting, kneading Play-Doh, and talking to pediatricians, child psychologists, speech therapists, neurologists, music teachers, and swimming coaches. We made new friends and got closer to old ones with children of the appropriate play-date age. Then I got pregnant and had a baby. Then, one day, someone was asking me about being a lesbian in Moscow, and I felt I had to tell the truth: I knew a lot more about playgrounds and children's theaters than about lesbian bars or bands. Svenya, my girlfriend, agreed. We were no longer lesbians.

I'VE GROWN USED TO NOT BEING A lesbian. Even in Cambridge, Massachusetts, where I have spent the last year, I am more likely to take joy in a stranger noticing my beautiful daughter than in the thrill of a ten-second street flirtation. In fact, I'm not sure I even know how to cruise a girl anymore. As a lesbian, I have become invisible. Everyone still knows I am gay, of course—but that's not what the naked eye sees, so dramatically has my social role changed from my days as a queer activist in the 1980s and 1990s.

HAD SOMEONE TOLD ME 20 (OR EVEN ten) years ago that marriage would bring me back out of my accidental closet, I would have thought that person crazy. But, in June, walking into the town hall in Falmouth, Massachusetts, I felt like I was about to come out—all the more obviously and awkwardly because I didn't just have Svenya by my side: I had two-and-a-half-year-old Yael in my arms (she had refused to stay home). Falmouth, where my father lives, feels small—an utter backwater. "So," I asked the clerk, "are we your first same-sex couple?" She looked at me like I was crazy: It had been three weeks since Massachusetts started issuing marriage licenses to gay couples, and Falmouth had issued about two dozen. Another symptom of my terminally post-gay state: I was amazed that there were gay people in Falmouth.

NICE VISIBILITY ACTION, I THOUGHT—the term emerging from my '90s activist vocabulary. But therein lies the reason gay and lesbian lawyers are advising couples like us to resist the temptation of marriage. Svenya is a Russian citizen. The next time she applies for a U.S. visa, she will have to indicate, honestly, that she is married to a U.S. citizen (me). That would likely disqualify her from getting a nonimmigrant visa: It would signal to the consulate that she presents a high risk of wanting to stay in this country. But, unlike the heterosexual spouse of a U.S. citizen, Svenya cannot apply for an immigrant visa either, because the 1996 Defense of Marriage Act bans federal agencies from recognizing same-sex unions. Still, we figured, she is likely to be denied a visa in any case—since she was issued her last one, we have gone through so-called "second-parent adoption," making Svenya a legal parent to our children, who are U.S. citizens, which also, of course, marks her as a risk.

SO WE FIGURED WE WOULD LOSE nothing by getting married. But why did we want to do it at all? Years ago, when we first got together, we teased a jealous friend by announcing that we would soon be traveling to the United States to get married. The idea that we would want to seemed even more absurd than the possibility that the United States would legalize such marriages. Three years ago, when we were preparing our son's conversion to Judaism, one of the rabbis proposed performing a commitment ceremony for us. We demurred because the idea struck us as ridiculous: Our son's conversion was a real event that would have real consequences, unlike a commitment ceremony.

OUR WEDDING WAS SCHEDULED FOR A Tuesday. We were shocked at the expense (fathers of the brides not paying, in our case), exhausted by organizing it, and even tempted to call the whole thing off. But then about 50 people came, and the rabbi kindly walked us through everything we had forgotten to prepare for the ceremony, and then my father, my brother, one of my oldest friends, and one of our newest friends each took one of the four poles holding up the *chuppah*. We stood under it with both of our kids, and the rabbi explained that the canopy is our temporary home, whose walls are wobbly and need our friends and family to hold them up. I scanned the crowd of friends. At least three of them were crying.

THE RABBI WRAPPED US IN HIS PRAYER shawl and told us to close our eyes to listen to each other's breath. Pressed against my lover, thinking only of her and not of our children or the laundry or whose turn it is to get up, I felt more in love with her than ever. When I opened my eyes, I saw that now almost everyone was either crying or struggling to hold back tears.

"DOES THIS MEAN I NOW HAVE TO CALL her your wife?" asked my old friend Laurie, one of the most outspoken gay opponents of same-sex marriage. I've always cringed when someone referred to a same-sex partner as a "husband" or "wife." But it seems now I should refer to Svenya that way. I've never liked the sterile *partner*, preferring, whenever possible, to use the youthful *girlfriend*, but over the years I've come to appreciate the privacy-protecting lack of clarity inherent in both terms. (Russians are generally more likely to understand *girlfriend* to mean just a friend, and Europeans often refer to heterosexual mates as *partners*.) Now it seems like this visibility action will continue for the rest of our lives. Which again raises the question of why we did it. Because we could, and also because this was the first time we made our relationship visible in such a way that other people were moved to tears. And yes, I do think that the visibility, combined with the memory of listening to my wife's breath when we were wrapped in the prayer shawl, will help hold up the walls of our home.

MASHA GESSEN

Masha Gessen is a journalist in Moscow.

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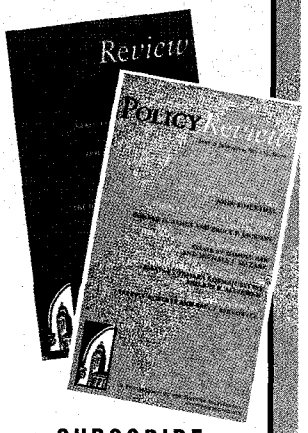

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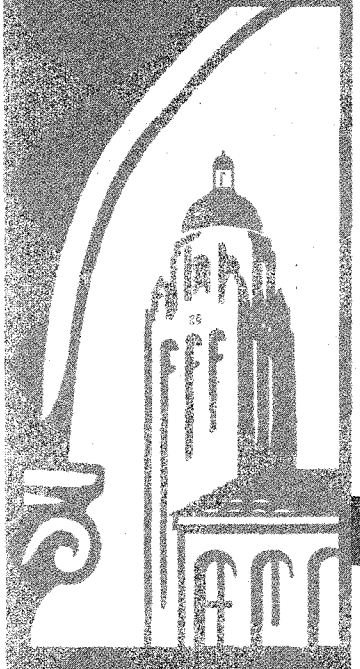

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In the new issue of *Policy Review*

The Future of Ground Zero

Architect Daniel Libeskind's perverse vision.

It is, then, long overdue that New Yorkers and Americans generally come to know something about the sources of [Daniel] Libeskind's prestige in the country that made him famous. Along the way, we will also learn more about the "philosophy" ostensibly underlying his architecture. As we will see, the mystical or metaphysical bent that is so much celebrated by Libeskind's admirers and that recently has had him seeking some occult significance in shapes and numbers and angles in lower Manhattan also had him perceiving a cosmic significance in the 9/11 attacks themselves. In fact, the meaning that the "master planner" of the new World Trade Center finds in the destruction of the old is seemingly no different from the meaning that virtually all apologists for the attacks claim to have found therein.

—John Rosenthal

The Black Sea and the Frontiers of Freedom

The challenge of projecting stability into the Greater Middle East will be much aided by a stable Black Sea region.

Put simply, the interface between the Euro-Atlantic community and the Greater Middle East runs across the Black Sea, the new Fulda Gap. The generational challenge of projecting stability into the Greater Middle East will be much aided by a stable and successfully anchored wider Black Sea region. This is not just a matter of geography, territory, or Western access to military bases that might better enable us to prosecute the war on terrorism. We have a key interest in seeing the countries of this region successfully transform themselves into the kind of democratic and stable societies that can, in turn, serve as a platform for the spread of Western values further east and south.

—Ronald D. Asmus and Bruce P. Jackson

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